DEPARTMENT OF TRANSPORTATION
Maritime Administration

[Docket No. MARAD 2012 0071]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ISLANDER; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 27, 2012.

ADDRESSES: Comments should refer to docket number MARAD–2012–0071. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the Internet at http://www.regulations.gov. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://www.regulations.gov.


DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0007; Notice 1]

Mercedes-Benz USA, LLC, and Daimler AG (DAG), Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: Mercedes-Benz USA, LLC1 (MBUSA) and its parent company Daimler AG (DAG)(collectively referred to as “MB”) have determined that certain model year 2011 and 2012 Mercedes-Benz S-Class (221 platform) passenger cars do not fully comply with paragraph S.4 TPMS Malfunction of Federal Motor Vehicle Safety Standard (FMVSS) No. 138, Tire Pressure Monitoring Systems. MB has filed an appropriate report pursuant to 49 CFR Part 573, Defect and Noncompliance Responsibility and Reports (dated September 30, 2011). Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), MB 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 MB’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.

Vehicles involved: Affected are approximately 4,769 model year 2011 and 2012 Mercedes-Benz S-Class (221 platform) passenger cars that were produced from March 2011 through August 2011.

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, these provisions only apply to the

1 Mercedes-Benz USA, LLC, and Daimler AG are motor vehicle manufacturers and importers, Mercedes-Benz USA, LLC is a limited liability company organized under the laws of Delaware. Daimler AG is organized under the laws of Germany.
subject 4,769 2 Mercedes-Benz S-Class passenger cars that MB no longer controlled at the time it determined that the noncompliance existed.

Rule text: Paragraph S4.4 of FMVSS No. 138 requires in pertinent part:

S4.4 TPMS malfunction.

(a) The vehicle shall be equipped with a tire pressure monitoring system that includes a telltale that provides a warning to the driver not more than 20 minutes after the occurrence of a malfunction that affects the generation or transmission of control or response signals in the vehicle’s tire pressure monitoring system. The vehicle’s TPMS malfunction indicator shall meet the requirements of either S4.4(b) or S4.4(c).

(b) Dedicated TPMS malfunction telltale. The vehicle meets the requirements of S4.4(a) when equipped with a dedicated TPMS malfunction telltale that:

1. Is mounted inside the occupant compartment in front of and in clear view of the driver;
2. Is identified by the word “TPMS” as described under the “Tire Pressure Monitoring System Malfunction” Telltale in Table 1 of Standard No. 101 (49 CFR 571.101);
3. Continues to illuminate the TPMS malfunction telltale under the conditions specified in S4.4(a) for as long as the malfunction exists, whenever the ignition locking system is in the “On” (“Run”) position; and
4. (i) Except as provided in paragraph (ii), each dedicated TPMS malfunction telltale must be activated as a check of lamp function either when the ignition locking system is activated to the “On” (“Run”) position when the engine is not running, or when the ignition locking system is in a position between “On” (“Run”) and “Start” that is designated by the manufacturer as a check position.

(ii) The dedicated TPMS malfunction telltale need not be activated when a starter interlock is in operation.

(c) Combination low tire pressure/TPMS malfunction telltale. The vehicle meets the requirements of S4.4(a) when equipped with a combined Low Tire Pressure/TPMS malfunction telltale that:

1. Meets the requirements of S4.2 and S4.3; and
2. (Flashes for a period of at least 60 seconds but no longer than 90 seconds upon detection of any condition specified in S4.4(a) after the ignition locking system is activated to the “On” (“Run”) position. After each period of prescribed flashing, the telltale must remain continuously illuminated as long as a malfunction exists and the ignition locking system is in the

“On” (“Run”) position. This flashing and illumination sequence must be repeated each time the ignition locking system is placed in the “On” (“Run”) position until the situation causing the malfunction has been corrected.

Multiple malfunctions occurring during any ignition cycle are not required to reinitiate the prescribed flashing sequence.

Noncompliance: MB described the noncompliances as follows:

In the subject vehicles, the tire pressure monitoring system malfunction indicator required by [paragraph] S4.4 of [FMVSS No. 138] may not illuminate in the manner required by FMVSS [No.] 138 due to a software misprogramming that occurred in a limited number of vehicles. When the system detects a malfunction (specifically, a missing or faulty wheel sensor signal in 1, 2 or 3 wheels), the malfunction indicator is activated within the required monitoring interval, but is activated continuously, rather than initially flashing for 60–90 seconds as required by [paragraph] S4.4(c)(2).

In addition, in a situation where all four wheel sensors/signals are missing, the subject programming will initially display the required warning, but will not automatically display it on subsequent restarts as required by [paragraph] S4.4(b)(3). This is because the system assumes that the owner has replaced the wheels which contain [Tire Pressure Monitoring System] TPMS sensors with wheels which do not contain sensors. In this situation, the driver will initially get a dedicated malfunction message indicating that the tire pressure monitoring system is inoperative, and that there are “No Wheel Sensors.” On subsequent restarts, this message is still accessible in the TPMS menu, but it does not automatically appear in the instrument cluster.

MB’S ANALYSIS OF THE NONCOMPLIANCES: Absence of Flashing “Malfunction” Telltale: The failure of the malfunction telltale to flash in the subject vehicles has no negative impact on safety because the additional supplemental data in the subject vehicles addresses the underlying purpose of the flashing requirement, and more than compensates for the absence of an initial flashing.

In developing the TPMS regulations, MB believes that NHTSA recognized that flashing of the TPMS malfunction warning should not be required for all vehicles and TPMS systems, depending on the distinctiveness and level of information contained in the malfunction indicator or warning. The subject vehicles use one of the telltale symbols specified for “combination”

telltales (the vehicle icon) when 1, 2 or 3 wheel sensors are missing or malfunctioning. Because this particular symbol is used, the vehicle is technically required to comply with the “combination low pressure/TPMS malfunction” telltale requirements of FMVSS No. 138 paragraph S4.4(c), which requires initial flashing, rather than the “dedicated TPMS malfunction” telltale requirement, which does not require initial flashing. Accordingly, under FMVSS No. 138 paragraph S4.4(c), this “combination” malfunction indicator is required to flash for 60–90 seconds upon initial illumination to notify the driver that the vehicle symbol stands for a system malfunction, as opposed to a low inflation pressure situation. Given the clear message conveyed by the warning in the subject vehicles, even without flashing, a driver would always understand whether his vehicle had a malfunction issue on the one hand, or a low tire pressure situation on the other.

The requirements for “dedicated” malfunction telltale are at FMVSS No. 138 paragraph S4.4(b) do not require any flashing of the telltale upon initial detection of a fault or malfunction because the agency recognized that malfunction indicator telltales with sufficiently clear or distinct information alerting the driver to a problem with the function of their TPMS, as opposed to a low tire inflation pressure, did not need to flash in order to adequately alert the driver to a problem with the system. The subject vehicles provide significantly more information than the minimum level required by the regulations for either dedicated or combination warnings. On the subject vehicles, additional text messages specifying the issue in clear terms appear at the same time that the required telltale appears. Specifically, the subject vehicles display the text message “Wheel Sensor(s) Missing” to alert the driver to a malfunction, in addition to simply displaying the vehicle icon required by the regulations as the minimum notification.

This text message, which expressly states that there is a system malfunction, is much more effective at conveying important safety information than relying on owners to review the owner’s manual, and understand the distinction between a steady or flashing symbol with no words. In addition to the words expressly stating what the issue is (“Wheel Sensor(s) Missing”), the vehicle depicts an aerial view of a car with the actual tire pressure in each tire on the dashboard. In addition to the text, where a wheel sensor is missing or malfunctioning in up to 3 wheels, a

2MB’s petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt MB as motor vehicle manufacturers from the notification and recall responsibilities of 49 CFR Part 573 for 4,769 of the affected motor vehicles. However, a decision on this petition cannot relieve motor vehicle distributors and dealers of the notification and recall responsibilities of 49 CFR Part 573 for the affected motor vehicles.
wheels (for example to replace the
removed would be where an owner goes
drive cycle. The only situation in which
subsequent drive cycles is only an issue
vehicle safety. In any situation where all
whenever the vehicle is “on” as
message does not continue to illuminate
scrolls through the TPMS menu, the
available when the driver manually
needed. While the message is always
notice of this unique situation is not
system assumes that the wheels have
not re-illuminate upon subsequent drive
cycles or after being manually cleared
from the instrument cluster because the
system assumes that the wheels have
been replaced, and that continued
notice of this unique situation is not
needed. While the message is always
available when the driver manually
scrolls through the TPMS menu, the
message does not continue to illuminate
whenever the vehicle is “on” as
required by FMVSS No. 138 paragraph
S4.4(b)(3).
This functionality has an
inconsequential impact on motor
vehicle safety. In any situation where all
four sensors fail while driving, the
warning will always illuminate as
required. The failure to activate on
subsequent drive cycles is only an issue
where all four wheel sensors/signals are
missing from the beginning of a given
drive cycle. The only situation in which
all four wheel sensors would be
removed would be where an owner goes
to considerable effort to remove all four
wheels (for example to replace the
standard wheels with snow tires). In
such a situation, the owner would be
well aware that the wheels with sensors
had been removed, and there would be
no need to continually repeat the
warning at each vehicle restart.
Similarly, although it is theoretically
possible for all four wheel sensors to fail
simultaneously, MB is not aware of any
such failures in the field. The
probability of such a situation occurring
is virtually impossible. For example,
one single sensor has a less than 100
ppm per year probability of failure. The
likelihood of all four sensors failing
within the same year is thus less than
0.000000001 ppm (or 1 \times 10^{-16}). In
addition, to create the noncompliance
scenario, all four sensors would need to
fail at the same time, not just within the
same year, thus further reducing the
probability even more. A much more
likely malfunction scenario would be
where one (or in a very unlikely
situation two) sensor signal fails in
sequence, which would provide the
operator with repeated warnings of the
need to repair the wheel sensors upon
each vehicle restart. In fact, this
functionality is identical to the warning
system for four missing wheel sensor
signals used in Europe and in the rest
of the world, where it has been
determined to provide an adequate level
of warning and motor vehicle safety.
In addition, the TPMS regulations
recognize that there are certain
circumstances where a TPMS warning
may be manually cleared or reset by the
owner and removed from the instrument
cluster, even though the underlying
condition still remains. The situation in
subject vehicles is analogous.
Finally, MB believe that as with the
absence of flashing discussed above, the
subject vehicles display an initial
notification of the loss of four wheel
sensors that provides significantly more
information than the minimum
regulatory requirement. Where a
dedicated malfunction telltale is used, the
regulations allow the vehicle, as a
minimum level of compliance, to
simply display the abbreviation
“TPMS” in yellow with no flashing. In
the subject vehicles, rather than display
a simple abbreviation, which would
require the use of the owner’s manual to
determine that the message indicated a
malfunction (as opposed to a low tire
pressure situation, for example), the
display specifically states that the “Tire
pressure monitor” is “inoperative,” and
more specifically that “No wheel
sensors” are detected. With this
enhanced level of information and
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This petition, supported by charging
materials, and all comments received before the close of business on the closing date
indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the Federal Register pursuant to the authority indicated below.

DATES: Comment closing date: July 27, 2012.

Authority: (49 U.S.C. 30118, 30120; Delegations of authority at CFR 1.50 and 501.8)  
Issued on: June 20, 2012.

Claude H. Harris,  
Director, Office of Vehicle Safety Compliance.

FOR FURTHER INFORMATION CONTACT:  
Michael T. McRaith, Director Federal Insurance Office, Department of the Treasury, (202) 622–5394 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background  
The Dodd-Frank Act requires FIO to conduct a study describing the breadth and scope of the global reinsurance market and the critical role such market plays in supporting insurance in the United States (31 U.S.C. 313(o)(1)).

II. Solicitation for Comments  
Commenters are invited to submit views on:
1. The purpose of reinsurance;  
2. The breadth and scope of the global reinsurance market;  
3. The role that the global reinsurance market plays in supporting insurance in the United States;  
4. The effect of domestic and international regulation on reinsurance in the United States;  
5. The role and impact of government reinsurance programs; and  
6. The coordination of reinsurance supervision nationally and internationally.

Any other topics relevant to this report.

Authority: Pub. L. 111–203

Michael T. McRaith,  
Director, Federal Insurance Office, Department of the Treasury.

[FR Doc. 2012–15667 Filed 6–26–12; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Public Input on the Report to Congress on the U.S. and Global Reinsurance Market

AGENCY: Departmental Offices, Treasury.

ACTION: Notice and request for comment.

SUMMARY: Section 502 the Dodd-Frank Wall Street Reform and Consumer Protection Act. Pub. L. 111–203 (the Dodd-Frank Act), as codified in Section 313(o) of Title 31 of the United States Code, requires the Federal Insurance Office (FIO) to provide a report not later than September 30, 2012, describing the breadth and scope of the global reinsurance market and the critical role such market plays in supporting insurance in the United States. To assist FIO in completing this report, FIO issues this request for comment.

DATES: Comment Due Date: August 27, 2012. Early submissions are encouraged.

ADDRESSES: Interested persons may submit comments electronically through the Federal eRulemaking Portal at http://www.regulations.gov, in accordance with the instructions. Comments will be available at http://www.regulations.gov as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Electronic submissions are encouraged.

Comments may also be mailed to the Department of the Treasury, Federal Insurance Office, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Additional Instructions. Please note the number from the “Solicitation for Comment” to which you are providing a response in your comment.

FOR FURTHER INFORMATION CONTACT:  
Michael T. McRaith, Director Federal Insurance Office, Department of the Treasury, (202) 622–5394 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

1. The purpose of reinsurance;  
2. The breadth and scope of the global reinsurance market;  
3. The role that the global reinsurance market plays in supporting insurance in the United States;  
4. The effect of domestic and international regulation on reinsurance in the United States;  
5. The role and impact of government reinsurance programs; and  
6. The coordination of reinsurance supervision nationally and internationally.

Any other topics relevant to this report.

Authority: Pub. L. 111–203

Michael T. McRaith,  
Director, Federal Insurance Office, Department of the Treasury.

[FR Doc. 2012–15667 Filed 6–26–12; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Claim for United States Savings Bonds Not Received.

DATES: Written comments should be received on or before August 27, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or bruce.sharp@bpd.treas.gov. The opportunity to make comments online is also available at www.pracomment.gov.

FOR FURTHER INFORMATION CONTACT:  
Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Claim for United States Savings Bonds Not Received.  
OMB Number: 1535–0098.  
Form Number: PD F 3062–4.  
Abstract: The information is used to support a request for substitute savings bonds in lieu of savings bonds not received.

Current Actions: None.

Type of Review: Revision.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 15,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 2,500.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 22, 2012.

Bruce A. Sharp,  
Bureau Clearance Officer.

[FR Doc. 2012–15645 Filed 6–26–12; 8:45 am]
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