

executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements include, but are not limited to NEPA, Council on Environmental Quality regulations, FTA guidance and relevant environmental guidelines, Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act, Executive Order 12898 regarding minority and low-income populations, Executive Order 11990 regarding the protection of wetlands, the Clean Water Act, the Endangered Species Act of 1973, and the Clean Air Act of 1970, along with other applicable Federal and State regulations. Opportunities for comment on the potential effects will be provided to the public and agencies, and comments received will be considered in the development of the final scope and content of the EIS.

#### Public and Agency Involvement Procedures

The regulations implementing NEPA and FTA guidance call for public involvement in the EIS process. In accordance with these regulations and guidance, FTA/SEPTA will:

(1) Extend an invitation to other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become participating agencies (any interested agency that does not receive an invitation can notify any of the contact persons listed earlier in this NOI);

(2) Provide opportunity for involvement by participating agencies and the public to help define the purpose and need for the proposed project, as well as the range of alternatives for consideration in the EIS; and

(3) Establish a plan for coordinating public and agency participation in, and comment on, the environmental review process.

Input on a Public Involvement Plan and Agency Coordination Plan will be solicited at the scoping meeting and on the Web site. The documents will outline public and agency involvement for the project. Once completed, these documents will be available on the project Web site or through written request.

#### The Paperwork Reduction Act

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of

economy and efficiency in government, it is FTA policy to limit, insofar as possible, distribution of complete printed sets of NEPA documents. Accordingly, unless a specific request for a complete printed set of the NEPA document is received before the document is printed, FTA and its grant applicants will distribute only electronic copies of the NEPA document. A complete printed set of the environmental document will be available for review at the grant applicant's offices and elsewhere; an electronic copy of the complete environmental document will be available on the grant applicant's project Web site, <http://www.kingofprussiarail.com>.

#### Summary/Next Steps

With the publication of this NOI, the scoping process and the public comment period for the project begins, allowing the public to offer input on the scope of the EIS until August 14, 2013. Public comments will be received through those methods explained earlier in this NOI and will be incorporated into a Final Scoping Document. This document will detail the scope of the EIS and the potential environmental effects that will be considered during the study period. After the completion of the Draft EIS, another public comment period will allow for input on the Draft EIS, and these comments will be incorporated into the Final EIS report prior to publication.

Issued on: June 21, 2013.

**Reginald B. Lovelace,**

*Deputy Regional Administrator, FTA Region 3.*

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**BILLING CODE P**

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

[Docket No. DOT-NHTSA-2013-0028]

##### Request for Comments on a New Information Collection

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the

following information collection was published on April 9, 2013 (78 FR 21189).

**DATES:** Comments must be submitted on or before July 29, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick Hallan, (202) 366-9146, NHTSA, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

*Title:* 49 CFR 571.116, Motor Vehicle Brake Fluids.

*OMB Control Number:* 2127-0521.

*Type of Request:* New Information Collection.

*Abstract:* Federal Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, specifies performance and design requirements for motor vehicle brake fluids and hydraulic system mineral oils. Section 5.2.2 of the standard specifies labeling requirements for manufacturers and packagers of brake fluids as well as packagers of hydraulic system mineral oils. The label on a container of motor vehicle brake fluid or hydraulic system mineral oil is permanently attached, clearly states the contents of the container, and includes a DOT symbol indicating that the contents of the container meet the requirements of FMVSS No. 116. The label is necessary to help ensure that these fluids are used for their intended purpose only and the containers are properly disposed of when empty. Improper use, storage, or disposal of these fluids could represent a significant safety hazard for the operators of vehicles or equipment in which they are used and for the environment.

*Affected Public:* Business or other for profit organizations.

*Number of Respondents:* 200.

*Number of Responses:* 70,000,000.

*Total Annual Burden Hours:* 7,000.

*Frequency of Collection:* N/A.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer or to the Docket Management System, Docket Number NHTSA-2013-0028 at <http://www.regulations.gov/>.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, 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.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 21, 2013.

**Christopher J. Bonanti**

*Associate Administrator for Rulemaking.*

[FR Doc. 2013-15401 Filed 6-26-13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0116; Notice 2]

#### BMW of North America, LLC, a Subsidiary of BMW AG, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of Petition.

**SUMMARY:** BMW of North America, LLC (BMW)<sup>1</sup>, a subsidiary of BMW AG<sup>2</sup>, Munich, Germany, has determined that certain model year (MY) 2012 MINI Cooper Countryman passenger cars with optional three passenger rear seating and manufactured between August 1, 2011 and May 23, 2012, do not fully comply with paragraph S4.3 (b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less*. BMW has filed an appropriate report dated June 1, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, BMW 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 September 13, 2012 in the **Federal Register** (77 FR 56700). 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-2012-0116."

**FOR FURTHER INFORMATION CONTACT:** For further information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5307.

**Vehicles Involved:** Affected are approximately 5,700 MY 2012 MINI Cooper Countryman passenger vehicles with optional three passenger rear seating manufactured between August 1, 2011 and May 23, 2012.

**Summary of BMW'S Analyses:** BMW explains that the noncompliance is that the vehicle placard on the affected vehicles incorrectly identifies the rear designated seating capacity as "2" when in fact it should be "3," and the total designated seating capacity as "4" when in fact it should be "5."

BMW states that while the vehicle placard incorrectly identifies the vehicle seating capacity, this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. It would become clear to a vehicle owner that the rear seat of an affected vehicle contains three sets of seat belts, provides adequate space for three people to occupy the rear seat and that the vehicle in fact does accommodate five passengers not four as labeled.

2. The tire pressure value on the vehicle placard is correct. In fact, the recommended tire inflation pressure for both the five passenger and the four passenger vehicles is the same. Therefore, there is no risk of under-inflation.

3. The vehicle capacity weight listed on the vehicle placard is correct, and is the same for Countryman model vehicles built for four or five occupants. Therefore, there is no risk of overloading.

4. The vehicle's Monroney label<sup>3</sup> contains a listing of all options that have been equipped on the affected vehicles. The option regarding the rear seat for three occupants is noted on the Monroney label; therefore, an owner would have been notified at time of purchase of the vehicle that the rear seat is equipped to accommodate three occupants.

5. The vehicle Owner's Manual contains information pertaining to the vehicle's tires, tire pressure and the vehicle capacity weight. Therefore, if

owners check the Owner's Manual, correct information is available for their use.

6. BMW also provides vehicle drivers with help determining the correct tire, tire pressure and loading information by way of toll-free telephone numbers for MINI Roadside Assistance™ (available 24 hours/day) and MINI Customer Relations.

7. BMW has received no customer complaints and is unaware of any accidents or injuries regarding this noncompliance of the affected vehicles.

BMW has additionally informed NHTSA that it has corrected future production and that all other required markings are present and correct.

In summation, BMW 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.

**Background Requirement:** Section § 4.3 (b) of FMVSS No. 110 specifically states:

§ 4.3 *Placard.* Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in § 4.3 (a) through (g), . . . , on a placard permanently affixed to the driver's side B-pillar . . .

(b) Designated seated capacity (expressed in terms of total number of occupants and number of occupants for each front and rear seat location); . . .

**NHTSA Decision:** NHTSA has reviewed BMW's analyses that the noncompliance is inconsequential to motor vehicle safety. NHTSA agrees that understating the number of rear seat occupants poses little safety risk, and vehicle owners will observe three seat belts and correctly identify three seating positions. BMW has provided sufficient documentation that the vehicle placard does comply with all other safety performance requirements. Since the vehicle placard clearly states the correct vehicle capacity weight and tire inflation pressure and NHTSA has verified both are compatible with five occupants, there is little risk of vehicle overloading.

In consideration of the foregoing, NHTSA has decided that BMW has met its burden of persuasion and that the subject FMVSS No. 110 noncompliance is inconsequential to motor vehicle safety. Accordingly, BMW's petition is hereby granted, and BMW is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

<sup>1</sup> BMW of North America, LLC is a U.S. company that manufactures and imports motor vehicles.

<sup>2</sup> BMW AG is a German company that manufactures motor vehicles.

<sup>3</sup> *Automobile Information Disclosure Act (AIDA)*, 15 U.S.C. 1231-1233.