

facility and yard locations; locations for interconnecting passenger services between the existing South Florida Rail Corridor that is served by Tri-Rail Commuter services and the FEC Railway corridor; costs; funding; ridership; economic development; land use; engineering feasibility; and environmental factors in a selected corridor. To satisfy the § 5309 Alternatives Analysis requirement, FDOT will also evaluate options for transportation improvements in the study area that do not involve significant capital investment including TSM improvements and the implications of taking no action (*i.e.*, the "no build" alternative). It is the purpose of this early scoping-ETDM process, to identify mode and general alignment in the SFEC and develop a well defined locally preferred alternative.

In conjunction with issuance of this notice, and consistent with provisions of 23 U.S.C. 139, a plan for coordinating public and agency participation in and comment on the environmental review process for issues and alternatives under consideration here and at subsequent phases of the process will be prepared.

#### Interim Report Availability

The SFECCTA was begun using a Tiered Environmental Impact Statement NEPA process. In processing the Tier 1 Draft Final Programmatic Environmental Impact Statement (FPEIS), FTA and FDOT agreed that the process followed for Tier 1 is consistent with the NEPA early scoping process, and that this early scoping process will be continued through the next study phase including selection of one or more locally preferred alternatives (proposed actions) in the corridor. Under this process, the Tier 1 Draft FPEIS will be considered an interim planning report and, as such, has been renamed the Conceptual AA/ESR. FTA and FDOT will no longer engage in the NEPA tiering process.

In Tier 1, an iterative screening process was applied to a broad range of conceptual alternatives. A shortlist of modal technologies and a generalized alignment were selected consistent with the FTA definition of conceptual alternatives. The study applied corridor-level NEPA principles and processes in the evaluation of alternatives and their potential environmental impacts as well as in the collaboration with governmental agencies and the public involvement program. The entire process was documented in a programmatic Tier 1 DEIS that was circulated to affected Federal, State, and local government agencies and to other interested stakeholders. A Notice of

Availability was published on October 13, 2006 (Volume 71, Number 198) for this document, and a public hearing was conducted on November 8, 9, and 15, 2006 at different venues in the study area.

The Tier 1 DEIS and the Conceptual AA/ESR serve as the administrative record documenting the NEPA analysis performed to support the advanced alternatives analysis phase of decision-making, federal agency oversight, agency coordination, and public comments and responses. As mentioned above, the AA/ESR will serve as an interim report for the early scoping-ETDM process now being used and is renamed as the final report, Conceptual AA/ESR. The report may be viewed or downloaded from the project's Web site at [www.sfecstudy.com](http://www.sfecstudy.com). An electronic copy of this interim report is available upon request from the contact above. Also, bound copies of the Conceptual AA/ESR will be available for public review, between January 9, 2009 to March 10, 2009, at the following locations:

Florida Department of Transportation,  
District 4 Planning and  
Environmental Management, 3400  
West Commercial Boulevard, Fort  
Lauderdale, FL 33309–3421, Phone:  
(954) 777–4632.

Florida Department of Transportation,  
District 6 Planning and  
Environmental Management Office,  
1000 NW. 111th Avenue, Miami, FL  
33172, Phone: (305) 470–5220.

Issued on: January 7, 2009.

**Ms. Yvette G. Taylor,**

*Regional Administrator, FTA Region 4.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0213; Notice 1]

#### Goodyear Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

Goodyear Tire & Rubber Company (Goodyear), has determined that certain passenger car tires manufactured during the period January 25, 2007 through July 24, 2008 do not fully comply with paragraph S5.5(e) of Federal Motor Vehicle Safety Standards (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles*. Goodyear has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Goodyear 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 Goodyear'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.

Affected are approximately 9,864 size 245/45R17 95H Pierce HP brand passenger car tires manufactured during the period January 25, 2007 through July 24, 2008.

Paragraph S5.5(e) of FMVSS No. 139 requires in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches \* \* \*.

(e) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire; \* \* \*

Goodyear explains that the noncompliance is that the sidewall marking incorrectly identifies the generic material of the plies in the body of the tire as Nylon when they are in fact polyester. Specifically, the tires in question were inadvertently manufactured with "Tread: 1 Polyester + 2 Steel Cords + 1 Nylon Cord. The labeling should have been "Thread: 1 Polyester Cord + 2 Steel Cords + 1 Polyester Cord" (emphasis added).

Goodyear states that it discovered the mold labeling error that caused the non-compliance during a routine quality audit.

Goodyear argues that the noncompliance is inconsequential to motor vehicle safety because the tires meet or exceed all applicable Federal Motor Vehicle Safety performance standards. All of the markings related to tire service (load capacity, corresponding inflation pressure, etc.)

are correct. The mislabeling of these tires creates no unsafe condition.

Goodyear states that the affected tire molds have been modified and all future production will have the correct material information shown on the sidewall.

Goodyear also points out that NHTSA has previously granted petitions for sidewall marking noncompliances that it believes are similar to the present noncompliance.

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

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 vehicles and equipment that have already passed from the manufacturer to an owner, purchaser, or dealer.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were

received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting 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.

*Comment closing date:* February 12, 2009.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8).

Issued on: January 8, 2009.

**Claude H. Harris**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. E9-517 Filed 1-12-09; 8:45 am]

**BILLING CODE 4910-59-P**

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## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**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 collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the

information collection displays a currently valid OMB control number. Currently, the OCC is soliciting comment concerning its extension, without change, of an information collection titled, "Release of Non-Public Information—12 CFR 4, Subpart C." The OCC is also giving notice that it has submitted the collection to OMB for review.

**DATES:** You should submit written comments by February 12, 2009.

**ADDRESSES:** You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1-5, Attention: 1557-0200, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-4448, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874-5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to: OCC Desk Officer, 1557-0200, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The OCC is proposing to extend OMB approval of the following information collection:

*Title:* Release of Non-Public Information—12 CFR 4, Subpart C.

*OMB Control No.:* 1557-0200.

*Form No.:* None.

*Description:* This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The information requirements require individuals who are requesting non-public OCC information to provide the OCC with information regarding the requester's legal grounds for the request.