

Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

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:* January 2, 2013.

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

Issued on: November 28, 2012.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 2012–29142 Filed 11–30–12; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0108; Notice 1]

#### Bridgestone Americas Tire Operations, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Bridgestone Americas Tire Operations, LLC (BRIDGESTONE),<sup>1</sup> has determined that certain Bridgestone brand tires manufactured between June 19, 2011 and March 17, 2012, do not fully comply with paragraph S5.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*. Bridgestone has filed an appropriate report dated July 19, 2012, 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), Bridgestone submitted a petition 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 Bridgestone'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 1,102 Firestone Firehawk Wide Oval AS size 245/40R19 and 245/35R20 brand tires manufactured between June 19, 2011, and March 17, 2012. Only 97 of the affected tires are no longer under the control of the petitioner. Therefore, only those 97 tires are the subject of this petition.

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 subject 97<sup>2</sup> tires that Bridgestone no longer controlled at the time it determined that the noncompliance existed.

**Noncompliance:** Bridgestone explains that the noncompliance is that, due to a mold labeling error. The sidewall marking on the reference side of the tires incorrectly describes the actual number of plies in the tread area of the tires as required by paragraph S5.5(f). Specifically, the tires in question were inadvertently manufactured with “TREAD 1 POLYESTER 2 STEEL 1 NYLON.” The labeling should have been “TREAD 1 POLYESTER 2 STEEL 2 NYLON.”

**Rule Text:** Paragraph S5.5 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 side-wall 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

<sup>2</sup> Bridgestone's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Bridgestone as an equipment manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the 97 affected tires that it still controls. However, a decision on this petition will not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Bridgestone notified them that the subject noncompliance existed. The 1,005 affected tires that Bridgestone still controls must be remedied or destroyed.

of the tire. If the maximum section width that 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 \* \* \*

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different \* \* \*

#### Summary of Bridgestone's Analysis and Arguments

Bridgestone believes that while the noncompliant tires are mislabeled; the subject tires meet or exceed all performance requirements as required in part by FMVSS No. 139 and that the noncompliant labeling has no impact on the operational performance or safety of vehicles on which these tires are mounted.

Bridgestone also points out that NHTSA has previously granted similar petitions for non-compliances in sidewall markings.

Bridgestone has additionally informed NHTSA that it has corrected future production and will re-label the 1,005 contained tires to reflect correct construction.

In summation, Bridgestone believes that the described noncompliance of its tires is inconsequential to motor vehicle safety, and that its petition, to exempt it 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.

**Comments:** 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.

<sup>1</sup> Bridgestone Americas Tire Operations, LLC, is a manufacturer of replacement equipment and is registered under the laws of the state of Delaware.

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.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

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*Comment Closing Date:* January 2, 2013.

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

Issued on: November 28, 2012.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2012–29135 Filed 11–30–12; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35698]

#### **Buckeye East Chicago Railroad, LLC—Acquisition and Operation Exemption—Buckeye Partners, L.P.**

Buckeye East Chicago Railroad, LLC (BERR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Buckeye Partners, L.P., a noncarrier, and to operate approximately 7,065 feet (1.34 miles) of track,<sup>1</sup> existing railroad right-of-way, and bulk liquid transloading

<sup>1</sup> Applicant states that the track does not have designated mileposts.

facilities in East Chicago, Ind. BERR will interchange traffic with the Indiana Harbor Belt Railroad Company.

The transaction may be consummated on or after December 16, 2012 (30 days after the notice of exemption was filed).

BERR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption.<sup>2</sup> Petitions to stay must be filed no later than December 7, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35698, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David C. Dillon, 111 West Washington Street, Suite 1023, Chicago, IL 60602.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: November 27, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Unit.*

[FR Doc. 2012–29051 Filed 11–30–12; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35676 (Sub-No. 1)]

#### **BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company**

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

**ACTION:** Partial Revocation of Exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board revokes the class exemption as it

<sup>2</sup> Upon effectiveness of this exemption, only BERR will be authorized to operate the subject track and transloading facilities. In its filing, BERR states that it has reached an agreement, attached to the filing, with Landisville Railroad, LLC (Landisville), a Class III rail carrier, to operate the track and facilities. However, Landisville does not have Board authority to conduct those operations and may not do so until it seeks and obtains appropriate Board authority.

pertains to the trackage rights described in Docket No. FD 35676<sup>1</sup> to permit the trackage rights to expire at midnight on December 31, 2012, in accordance with the agreement of the parties, subject to the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

**DATES:** This exemption will be effective on January 3, 2013. Petitions to stay must be filed by December 13, 2012. Petitions for reconsideration must be filed by December 24, 2012.

**ADDRESSES:** An original and ten copies of all pleadings, referring to Docket No. FD 35676 (Sub-No. 1), must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on BNSF's representative: Karl Morell, Of Counsel, Ball Janik LLP, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Scott M. Zimmerman, (202) 245–0386. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: November 26, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2012–29053 Filed 11–30–12; 8:45 am]

**BILLING CODE 4915–01–P**

<sup>1</sup> On September 18, 2012, BNSF filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by Union Pacific Railroad Company (UP) to grant local trackage rights to BNSF Railway Company over UP's lines between: (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of 126.2 miles; and (2) UP milepost 219.4 at Elsey, and UP milepost 280.7 at Keddle, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles. See *BNSF Ry.—Temp. Trackage Rights Exemption—Union Pac. R.R.*, FD 35676 (STB served Oct. 4, 2012). In its petition for partial revocation, BNSF states that the trackage rights are only temporary rights, but, because they are “local” rather than “overhead” rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8).