

online instructions for submitting comments.

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251.

**Instructions:** 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. Please see the Privacy Act heading below.

**Privacy Act:** 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**How to Read Comments submitted to the Docket:** You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>.

Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle, including a trailer, that was not originally manufactured to

conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

US Specs of Havre de Grace, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether nonconforming 2011 Thule 3008BL boat trailers are eligible for importation into the United States. US Specs believes these vehicles are capable of being modified to meet all applicable FMVSS.

US Specs submitted information with its petition intended to demonstrate that 2011 Thule 3008BL boat trailers are capable of being altered to comply with all standards to which they were not originally manufactured to conform.

The petitioner contends that the nonconforming 2011 Thule 3008BL boat trailers are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Installation of conforming tail lamps, license plate lamps, rear side marker lamps, front and rear side marker lamps, rear identification lamps, and rear clearance lamps, as necessary to achieve compliance with the standard.

Standard No. 119 *New Pneumatic Tires for Vehicles other than Passenger Cars:* installation of tires meeting the vehicle's gross vehicle and gross axle weight ratings (GVWR and GAWR) and other requirements of the standard if the vehicle is not already so equipped.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars:* installation of a tire information placard and inspection and replacement of any nonconforming rims with ones conforming to the standard.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.95 and 501.8.

Issued on: April 15, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2013-09724 Filed 4-24-13; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[Docket No. FD 35731]

**Ballard Terminal Railroad Company, L.L.C.—Acquisition and Operation Exemption—Woodinville Subdivision**

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

**ACTION:** Notice of exemption; request for comments.

**SUMMARY:** On April 2, 2013, Ballard Terminal Railroad Company, L.L.C. (Ballard), a Class III rail carrier, filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10902 to acquire the residual common carrier rights and obligations, including the right to reinstitute rail service, and the physical trackage assets on a line of railroad currently owned by the City of Kirkland (City) and the Port of Seattle (Port) in King County, Wash. (the Line), and currently subject to railbanking/interim trail use under the National Trails System Act, 16 U.S.C. 1247(d). Ballard also seeks the right to provide common carrier rail service over the Line, and requests that the Board order the transfer of all the rail materials to Ballard at their net liquidation value. Ballard states that it has no objection to shared use of the right-of-way as both a rail line and a trail. The Line consists of a portion of the former BNSF Railway Company (BNSF) Woodinville Subdivision extending between milepost 23.8 at Woodinville, Wash., and milepost 12.6 at Bellevue, Wash.<sup>1</sup> The petition for

<sup>1</sup> This segment was the subject of an abandonment proceeding and NITU in *BNSF*

exemption was filed concurrently with a Ballard petition to partially vacate the NITU issued in Docket No. AB 6 (Sub-No. 465X) for the Woodinville Subdivision (extending from milepost 23.8 to milepost 11.25). That NITU permitted railbanking/interim trail use negotiations under 16 U.S.C. 1247(d).<sup>2</sup> The Board seeks comments from interested persons on Ballard's request to resume rail service and partially vacate the NITU.

**DATES:** Written comments must be filed with the Board by June 18, 2013. Replies must be filed by July 18, 2013.<sup>3</sup>

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. FD 35731, 395 E Street SW., Washington, DC 20423-0001.

In addition, send one copy of any comments to: (1) Myles L. Tobin, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832; (2) Craig Watson, Port of Seattle, Pier 69, P.O. Box 1209, Seattle, WA 98111; (3) Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Avenue NW., Washington,

*Railway Company—Abandonment Exemption—in King County, Wash.*, AB 6 (Sub-No. 465X).

<sup>2</sup> In a related matter, Ballard simultaneously filed a verified notice of exemption under 49 CFR 1150.41 to lease from Eastside Community Rail, LLC and to operate a 14.45-mile line of railroad between mileposts 23.8 and 38.25 that is adjacent to the Line at issue here. *Ballard Terminal Railroad Company, L.L.C.—Lease Exemption—Line of Eastside Community Rail, LLC*, FD 35730 (STB served Apr. 18, 2013).

<sup>3</sup> On April 12, 2013, King County, the City, and Central Puget Sound Regional Transit Authority (collectively, Movants) jointly filed a motion to extend the time to respond to Ballard's petitions to partially vacate the NITU and for exemption, from April 22, 2013, to June 21, 2013. On April 17, 2013, Ballard filed a reply to the motion, objecting to the requested extension of time unless it is coupled with a condition that the City not remove the track and other rail assets on the 5.75-mile portion of the Line the City owns, until such time as the Board rules on Ballard's pending petitions. On April 18, 2013, Movants filed a motion for leave to file a reply to Ballard's reply. Regarding the motion to extend, pursuant to this notice and request for comments, the Board is initiating a proceeding and establishing a procedural schedule for comments. Movants' motion to extend the time to respond will therefore be denied as moot. The matter of the trackage removal is already pending in the U.S. District Court for the Western District of Washington on Ballard's motion for temporary restraining order, which is scheduled to be heard on May 3, 2013.

DC 20036; and (4) all other parties of record to this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Marc Lerner at 202-245-0390. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On April 2, 2013, Ballard filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10902 to acquire the residual common carrier rights and obligations, including the right to reinstitute rail service, and the physical trackage assets of the Line, for a segment of the former BNSF Woodinville Subdivision. This segment is currently subject to an interim trail use/ railbanking agreement between BNSF and King County, a political subdivision of the State of Washington. The Port owns the real estate associated with the Line, which it acquired from BNSF;<sup>4</sup> the Port subsequently conveyed a portion of the Line to the City. In *King County, Wash.—Acquisition Exemption—BNSF Railway Company*, FD 35148 (STB served Sept. 18, 2009), the Board granted a request by King County for exemption from 49 U.S.C. 10901 to acquire BNSF's rights and obligations, including the right to reinstate rail service in the future.

Ballard's petition presents this issue: under what circumstances will the Board grant a carrier's request to vacate a NITU to permit reactivation of rail service when the petitioning carrier does not own or have any other interest in the right-of-way. An interim trail use arrangement is subject to being cut off at any time by the reinstatement of service. 16 U.S.C. 1247(d). Here, the abandoning railroad (BNSF) has transferred its rights and obligations, including the right to reinstate rail service, to King County (which is also the trail sponsor), and a different carrier, Ballard, seeks to reinstitute service.

Ballard submits letters from two shippers that support the reinstatement of rail service over the Line. CalPortland, a building materials and construction services provider, states that it desires to use the Line to receive hundreds of thousands of cubic yards per year of construction materials for upcoming road projects. Wolford Trucking & Demolition, Inc. (Wolford), a demolition and trucking services provider, states that it plans to use the Line to ship an estimated three million cubic yards of excavated materials, building demolition waste, and roadway

<sup>4</sup> *The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Ry.*, FD 35128 (STB served June 20, 2008).

grading spoils over the next several years. Ballard estimates that CalPortland and Wolford's use of the Line would translate to approximately 50,000 carloads of freight.<sup>5</sup>

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 17, 2014.

Decided: April 19, 2013.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2013-09760 Filed 4-24-13; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

April 22, 2013.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before May 28, 2013 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927-5331, email at [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire

<sup>5</sup> Ballard submits three additional letters generally in support of an upgraded Eastside Rail Corridor: an open letter from the Snohomish County Executive Director supporting multiple purpose use of the Eastside Rail Corridor, including freight service; a letter to the Kirkland City Council from the Mayor of Woodinville requesting that the City delay the removal of the subject tracks until the Eastside Rail Corridor Regional Advisory Council presents its recommendations in Summer 2013; and a letter to Washington State Senator Rosemary McAuliffe from the Mayor of Snohomish reiterating a request for funding needed to upgrade the Eastside Rail Corridor.