

certified by their original manufacturer (Alpina), as conforming to all applicable FMVSS, they cannot be categorized as “substantially similar” to the vehicle that is the subject of the petition at issue for the purpose of establishing import eligibility for that vehicle under 49 U.S.C. 30141(a)(1)(A). Therefore, the agency will consider 101 Innovation’s petition as a petition pursuant to 49 U.S.C. 30141(a)(1)(B).

101 Innovations submitted information with its petition intended to demonstrate that non-U.S. certified 1988–1996 Alpina B10 passenger cars, as originally manufactured, conform to many FMVSS. Specifically, the petitioner claims that non-U.S. certified 1988–1996 Alpina B10 passenger cars, as originally manufactured, conform to: Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic and Electric Brake Systems*, 106 *Brake Hoses*, 107 *Reflective Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch System*, 116 *Motor Vehicle Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Disks, and Hub Caps*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: replacement of the instrument cluster with components from the U.S.-model BMW E34 5-series and reprogramming the vehicle computer to operate the necessary safety systems.

Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment*: replacement of the headlamps and front and rear marker lights with components from the U.S.-model BMW E34 5-series, and installation of the high-mounted stop light assembly from the U.S.-model BMW E34 5-series.

Standard No. 110 *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less*: installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: replacement of the passenger side

rearview mirror with a component from the U.S.-model BMW E34 5-series or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection and Rollaway Prevention*: activation of occupant warning chime by reprogramming vehicle modules and inspection and replacement of ignition switch with component from the U.S.-model BMW E34 5-series if necessary to incorporate key detection micro switch.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate near the left windshield pillar.

Standard No. 118 *Power-operated Window, Partition, and Roof Panel Systems*: inspection of early models of these vehicles for remote activation devices that exceed the distance limitations of this standard. Systems not conforming to this standard will be disabled to achieve conformity.

Standard No. 208 *Occupant Crash Protection*: installation of airbag system components from the U.S.-model BMW E34 5-series as necessary. Installation of driver and/or passenger knee bolsters that conform to the requirements of this standard.

Standard No. 209 *Seat Belt Assemblies*: inspection of seat belt assemblies and replacement of any non-conforming components with U.S.-model BMW E34 5-series components.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2013–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 2013 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2013 RCAF (Unadjusted) is 0.975. The fourth quarter 2013 RCAF (Adjusted) is 0.423. The fourth quarter 2012 RCAF–5 is 0.399.

DATES: *Effective Date:* October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: In *Railroad Cost Recovery Procedures*, 1 I.C.C. 2d 207 (1984), the Interstate Commerce Commission (ICC) outlined the procedures for calculating the all-inclusive index of railroad input prices and the method for computing the rail cost adjustment factor (RCAF). Under the procedures, the Association of American Railroads (AAR) is required to calculate the index on a quarterly basis and submit it to the agency on the fifth day of the last month of each calendar quarter. In *Railroad Cost Recovery Procedures—Productivity Adjustment*, 5 I.C.C. 2d 434 (1989), *aff’d sub nom. Edison Electric Institute v. ICC*, 969 F.2d 1221 (D.C. Cir. 1992), the ICC adopted procedures that require the adjustment of the quarterly index for a measure of productivity.

The provisions of 49 U.S.C. 10708 direct the Surface Transportation Board (Board) to continue to publish both an unadjusted RCAF and a productivity-adjusted RCAF. In *Productivity Adjustment—Implementation*, 1 S.T.B. 739 (1996), the Board decided to publish a second productivity-adjusted RCAF called the RCAF–5. Consequently, three indices are now filed with the Board: the RCAF (Unadjusted); the RCAF (Adjusted); and the RCAF–5. The RCAF (Unadjusted) is an index reflecting cost changes experienced by the railroad industry, without reference to changes in rail productivity. The RCAF (Adjusted) is an index that reflects national average productivity changes as originally developed and applied by the ICC, the calculation of which is currently based on a 5-year moving average. The RCAF–5 is an index that also reflects national average productivity changes; however, those productivity changes are calculated as if a 5-year moving average had been applied consistently from the productivity adjustment’s inception in 1989.

The index of railroad input prices, RCAF (Unadjusted), RCAF (Adjusted), and RCAF–5 for the fourth quarter of 2013 are shown in Table A of the Appendix to this decision. Table B shows the second quarter 2013 index and the RCAF calculated on both an actual and a forecasted basis. The difference between the actual calculation and the forecasted calculation is the forecast error adjustment.

The weights for each major cost component of the all-inclusive cost

index, on which the RCAF is based, are updated annually in order to reflect the changing mix of index components. See 49 U.S.C. 10708. This includes rebenchmarking the wages and supplemental rates used in the labor index in the fourth quarter of each year. The weights used by AAR are based on the distribution of railway expenses for the year 2012. Similarly, AAR has used wage and supplemental rates for the year 2012 to calculate hourly labor rates that reflect the changing mix of employees.

In a decision served July 25, 2013,¹ the Board directed BNSF Railway Company (BNSF) to refile its R-1 report for 2010, 2011, and 2012, 60 days after the decision's August 24, 2013 effective date (October 23, 2013). In July 2013, Union Pacific Railroad Company (UP) submitted to the Board its own revised R-1 Schedules 210 and 510 for the years 2010, 2011, and 2012, to correct certain errors, yet AAR notes that it used only the corrected data from 2012 to calculate the new weights and interest index herein because BNSF's data were not yet available. This is not, however, our preferred approach, which is to use all available data to generate the most accurate calculation at any given time.

While BNSF's anticipated R-1 resubmission may require further adjustments to the RCAF calculation, all known errors in the relevant data should have been addressed in the current filing. However, the Board understands that its publication of the RCAF figures in a timely fashion is important to a number of interested parties, and hence, in this instance, the Board will rely on the AAR for this calculation. While AAR states that it plans to examine the changes to all indexes once it has BNSF's revisions, AAR is directed to use all the data available to it at the time it submits its quarterly calculations. Therefore, we will direct AAR to make the adjustment for the UP 2010, 2011, and 2012 interest expense restatement, to the extent not already made, in its next quarterly submission.²

We have examined AAR's calculations, including its reweighting and rebenchmarking calculations, and we find that AAR has complied with our procedures with respect to the available data for 2012. We find that the fourth quarter 2013 RCAF (Unadjusted) is 0.975, a decrease of 0.2% from the third quarter 2013 RCAF of 0.977. The RCAF (Adjusted) is calculated, in part,

using the RCAF (Unadjusted) and a 5-year moving geometric average of productivity change for U.S. Class I railroads from 2007-2011, which is 1.009 (0.9% per year). We find the RCAF (Adjusted) is 0.423, a decrease of 0.5% from the previously reported third quarter 2013 RCAF (Adjusted) of 0.425.³

In accordance with *Productivity Adjustment—Implementation*, 1 S.T.B. at 748-49, the RCAF-5 for this quarter will use a productivity trend for the years 2006-2010, which is 1.008 (0.8% per year). We find the RCAF-5 for the fourth quarter of 2013 is 0.399, a decrease of 0.5% from the previously reported third quarter 2013 RCAF-5 of 0.401.⁴

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10708.

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

Decided: September 19, 2013.

Derrick A. Gardner,
Clearance Clerk.

Appendix

TABLE A—EP 290 (SUB-NO. 5) (2013-4)—ALL INCLUSIVE INDEX OF RAILROAD INPUT COSTS
[Endnotes following Table B]

Line No.	Index component	2012 Weight (percent)	Third quarter 2013 forecast	Fourth quarter 2013 forecast
1	LABOR	31.2	390.4	385.8
2	FUEL	22.4	375.6	399.6
3	MATERIALS AND SUPPLIES	4.9	264.2	261.4
4	EQUIPMENT RENTS	5.6	208.0	207.7
5	DEPRECIATION	12.1	218.9	221.0
6	INTEREST	1.9	92.9	73.5
7	OTHER ITEMS ⁱ	21.9	221.4	220.0
8	WEIGHTED AVERAGE	100.0	307.3	310.6
9	LINKED INDEX ⁱⁱ		294.3	297.5
10	PRELIMINARY RAIL COST ADJUSTMENT FACTOR ⁱⁱⁱ		98.9	100.0
11	FORECAST ERROR ADJUSTMENT ^{iv}		- 0.012	- 0.025
12	RCAF (UNADJUSTED) (LINE 10 + LINE 11)		0.977	0.975
13	RCAF (ADJUSTED)		0.425	0.423
14	RCAF-5		0.401	0.399

TABLE B—EP 290 (SUB-NO. 5) (2013-4)—COMPARISON OF SECOND QUARTER 2013 INDEX CALCULATED ON BOTH A FORECASTED AND AN ACTUAL BASIS

Line No.	Index component	2011 Weight (percent)	Second quarter 2013 forecast	Second quarter 2013 actual
1	LABOR	31.3	384.9	384.9

¹ *Western Coal Traffic League—Petition for Declaratory Order*, FD 35506, slip op. at 2.

² Interested parties may submit a petition for reconsideration to propose alternative approaches for addressing the need to correct for restated data while awaiting further modifications.

³ The fourth quarter 2013 RCAF Adjusted (0.423) is calculated by dividing the fourth quarter 2013

RCAF Unadjusted (0.975) by the fourth quarter productivity adjustment factor of 2.3059. The fourth quarter 2013 productivity adjustment factor is calculated by multiplying the third quarter 2013 productivity adjustment of 2.3008 by the fourth root (1.0022) of the 2007-2011 annual average productivity growth rate of 0.9%.

⁴ The fourth quarter 2013 RCAF-5 (0.399) is calculated by dividing the fourth quarter 2013 RCAF Unadjusted (0.975) by the fourth quarter productivity adjustment factor-5 (PAF-5) of 2.4426. The fourth quarter 2013 PAF-5 is calculated by multiplying the third quarter 2013 PAF-5 of 2.4377 by the fourth root (1.0020) of the 2006-2010 annual average productivity growth rate of 0.8%.

TABLE B—EP 290 (SUB-NO. 5) (2013–4)—COMPARISON OF SECOND QUARTER 2013 INDEX CALCULATED ON BOTH A FORECASTED AND AN ACTUAL BASIS—Continued

Line No.	Index component	2011 Weight (percent)	Second quarter 2013 forecast	Second quarter 2013 actual
2	FUEL	22.5	404.3	373.1
3	MATERIALS AND SUPPLIES	5.1	261.0	261.0
4	EQUIPMENT RENTS	5.6	206.9	207.0
5	DEPRECIATION	11.6	219.6	218.8
6	INTEREST	2.5	92.9	92.9
7	OTHER ITEMS	21.4	220.2	219.4
8	WEIGHTED AVERAGE	100.0	311.3	304.0
9	LINKED INDEX		298.5	290.9
10	RAIL COST ADJUSTMENT FACTOR		100.3	97.8

Endnotes:

ⁱ “Other Items” is a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other

Taxes, Loss and Damage, and Special Charges, price changes for all of which are measured by the Producer Price Index for Industrial Commodities Less Fuel and Related Products and Power.

ⁱⁱ Linking is necessitated by a change to the 2012 weights beginning in the fourth quarter of 2013. The following formula was used for the current quarter’s index:

$$\frac{\text{4th Qr. 2013 Index (2012 Weights)}}{\text{3rd Qr. 2013 Index (2012 Weights)}} \times \text{Times 3rd Quarter Linked Index (1980 = 100 Linked)} = \text{Equals Linked Index (Current Quarter)}$$

Or

$$\frac{310.6}{307.3} \times 294.3 = 297.5$$

ⁱⁱⁱ The first quarter 2013 RCAF was rebased using the October 1, 2012 level of 297.5 in accordance with the requirements of the Staggers Rail Act of 1980 (10/1/2012 = 100).

^{iv} The fourth quarter 2013 forecast error adjustment was calculated as follows: (a) Second quarter 2013 RCAF using forecasted data equals 100.3; (b) second quarter 2013 RCAF using actual data equals 97.8; (c) the difference equals the forecast error (b – a) of –2.5. Because the actual second quarter value is less than the forecast value, the difference is subtracted from the Preliminary RCAF.

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DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Guidance on Sound Incentive Compensation Practices**

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 comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of an information collection titled, “Guidance on Sound Incentive Compensation Practices.” The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Written comments should be submitted by October 25, 2013.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0245, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to regs.comments@occ.treas.gov. You may

personally inspect and photocopy comments at the OCC, 400 7th 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) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0245, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities