the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 13, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*. See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on October 5, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–26001 Filed 10–13–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0146; Notice 2]

BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: BMW of North America, LLC, (BMW) a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2014 BMW 7 series and 6 series vehicles do not fully comply with paragraph S5.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* BMW has filed an appropriate report dated December 5, 2013 pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Amina Fisher, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5307, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. BMW's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, BMW 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.

Notice of receipt of BMW's petition was published, with a 30-day public comment period, on June 6, 2014 in the **Federal Register** (FR 32815). 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–2013–0146.''

II. Vehicles Involved: Affected are approximately 5,806 of the following MY 2014 BMW vehicles:

2014 BMW 7 Series manufactured between July 1, 2013 and November 4, 2013;

2014 BMW 6 Series Coupe M Sport Edition manufactured between May 15, 2013 and October 29, 2013;

2014 BMW 6 Series Grand Coupe M Sport Edition manufactured between May 15, 2013 and July 30, 2013; and

2014 BMW 6 Series Convertible M Sport Edition manufactured between April 2, 2013 and October 29, 2013.

III. Noncompliance: BMW explains that while using in-vehicle controls and displays, there is a possibility for the vehicle operator or front seat passenger to enable the speedometer to display vehicle speed in units of either only miles-per-hour (mph) or only kilometers-per-hour (km/h). Since all vehicles sold in the U.S. must display vehicle speeds in mph, or mph and km/h these vehicles fail to fully meet the requirements set forth in paragraph S5.2.1 of FMVSS No. 101.

IV. Rule Text: Paragraph S5.2.1 of FMVSS No. 101 requires in pertinent part:

S5.2.1 Except for the Low Tire Pressure Telltale, each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2 . . .

TABLE 1—CONTROLS, TELLTALES, AND INDICATORS WITH ILLUMINATION OR COLOR REQUIREMENTS

Column 1 item	Column 2 symbol	Column 3 words or abbreviations	Column 4 function	Column 5 illumination	Column 6 color
*	*	* *	*	*	*
Speedometer	.....	MPH, or MPH and km/h [14]	Indicator	Yes	
*	*	* *	*	*	*

Notes:

* * * * * * *

14. If the speedometer is graduated in both miles per hour and in kilometers per hour, the scales must be identified ''MPH'' and ''km/h'', respectively, in any combination of upper- and lowercase letters. . . .

V. Summary of BMW's Analyses: BMW stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. BMW states that vehicles are initially delivered for first-sale in a compliant state (speed display in miles-per-hour) and that it is only through driver (or passenger) interaction within the Settings menu that the display can be changed from miles-per-hour to kilometers-per-hour. BMW believes that this adjustment cannot be accomplished inadvertently.

2. BMW states that the two speedometer scales are noticeably different, and that if a previous driver changed the units, a subsequent driver would be able to tell at a glance that the scale is not in miles-per-hour.

3. BMW states that the indicated vehicle speed in km/h is 1.6 times greater than speed in mph. BMW believes that if a vehicle operator changes the display to indicate km/h and later forgets that the change had been made, the operator will clearly recognize that the vehicle is moving at a lower speed than intended and adjust the vehicle speed to match road and traffic conditions. This should signal the operator (at the next appropriate opportunity) to perform the necessary steps to adjust the speedometer.

4. BMW also states that the vehicle's Owner Manual contains information pertaining to the use of the iDrive™ controller to change the units displayed within the ''Settings'' menu. Therefore, if a vehicle operator needs to reconfigure the display to indicate mph, instructions are available.

5. BMW further states that the vehicle's Owner Manual and Service and Warranty Book contain the toll-free telephone number for BMW Customer Relations. Additionally, the in-vehicle iDrive™ system offers the vehicle operator a BMW Customer Relations menu option to directly contact BMW Customer Relations via the embedded wireless communications module. Therefore, if a vehicle operator notices that the speed is incorrectly displayed in km/h and does not know how to reset the speed to display in mph, *e.g.,* as set by a prior operator, the vehicle operator can easily contact BMW Customer Relations for assistance.

6. BMW is not aware of any contacts from vehicle operators regarding this issue.

7. BMW is also not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 101.

In summation, BMW believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW 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.

NHTSA Decision

NHTSA Analysis: NHTSA has reviewed BMW's justification for an inconsequential noncompliance determination and agrees that the subject noncompliance is inconsequential to motor vehicle safety.

BMW explained that the affected vehicles are delivered in a compliant state with the speedometer displaying miles-per-hour (mph) and that switching the display to kilometers-per-hour (km/h) could not be done inadvertently because the driver (or passenger) would have to complete multiple interactions within the vehicle's settings menu to make the change. NHTSA agrees with BMW that it is unlikely that the switch from mph to km/h could be done inadvertently because several physical actions are required by the operator to make the change. We believe that if an operator were to make this change it would be done intentionally and with some understanding of the implications, and that such a change would not cause any impact to vehicle safety. Furthermore, we believe that the vast majority of the owners of these vehicles will continue to operate these vehicles as purchased (with the speed identified in mph) and never attempt to change to the metric units.

Next, BMW stated that the speedometer scales are noticeably different and provided figures showing the speedometer appearance with each different unit of measure. BMW explained that if a previous driver changed the units being displayed a subsequent driver would be able to tell at a glance which scale is being used. The agency reviewed the speedometer figures provided by BMW indicating the different units of measure. We agree that it is easy to identify the units of measure being used because the abbreviated units are clearly labeled in the top center of the speedometer. We believe that the act of a driver realizing the vehicle is indicating speed in km/h instead of mph would not cause any unintended or unsafe actions by the driver and would thus be inconsequential to motor vehicle safety. In this case, once a driver realized the speedometer was indicating in km/h, we anticipate the driver would want to change the speedometer back to mph, and would refer to the owner's manual or BMW's customer assistance for guidance.

Lastly, BMW stated its belief that because indicated vehicle speed in km/h is 1.6 times greater than the same speed in mph, a driver who does not initially notice that a vehicle's speed indication is in km/h would soon recognize that the vehicle is moving at a speed much slower than the surrounding traffic and will adjust accordingly to match road and traffic conditions. With some caution, we agree with BMW's assessment. While a vehicle traveling as much as 1.6 times slower could hamper the natural flow of traffic, we believe that affected drivers would in-fact adjust their speed to the surrounding traffic and then, at the next appropriate opportunity, perform the necessary steps to adjust the speedometer back to mph.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that BMW has met its burden of persuasion that the FMVSS No. 101 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.

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, this decision only applies to the subject noncompliant vehicles that BMW no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

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

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–26062 Filed 10–13–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2012–0082 (Notice No. 15–16)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on its intention to revise an information collection under Office of Management and Budget (OMB) Control Number 2137–0628, ''Flammable Hazardous Materials by Rail Transportation.'' This reporting requirement would require tank car owners to report their progress in the retrofitting of tank cars to the Department of Transportation (DOT).

DATES: Interested persons are invited to submit comments on, or before November 13, 2015.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, by mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for DOT–PHMSA, 725 17th Street NW., Washington, DC 20503, by fax, 202–395–5806, or by email, to *OIRA_Submission@omb.eop.gov.* Comments should refer to the information collection by title and/or OMB Control Number.

We invite comments on: (1) 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; (2) the accuracy of the Department's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) 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.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Section 1320.8 (d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will be submitting to OMB for revision. This information collection request is contained in 49 CFR part 174 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). PHMSA has revised the burden estimate, where appropriate, to reflect current reporting levels or adjustments based on changes described in this notice. The following information is provided for the information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a three-year term of approval for the information collection activity and, when approved by OMB, publish a notice of the approval in the **Federal Register**.

PHMSA requests comments on the following information collection:

Title: Flammable Hazardous Materials by Rail Transportation.

OMB Control Number: 2137–0628.

Summary: This information collection pertains to requirements for the creation of a sampling and testing program for unrefined petroleum-based products and rail routing for High Hazard Flammable Trains (HHFTs) [a], routing requirements for rail operators, and the reporting of incidents that may occur from HFFTs.

In the final rule entitled ''Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains'' PHMSA and the Federal Railroad Administration (FRA) adopted a risk-based timeline for the retrofit of existing tank cars to meet an enhanced Casualty Prevention Circular (CPC–1232) standard when used as part of an HHFT. The retrofit timeline focuses on two risk factors, the packing group and differing types of DOT–111 and CPC–1232 tank cars. The timeline provides an accelerated risk reduction that more appropriately addresses the overall risk. The timeline is provided in the §§ 173.241, 173.242, and 173.243 tables of the final rulemaking [80 FR 26643] and includes a January 1, 2017 deadline for of non-jacketed DOT–111 tank cars in PG I service in an HHFT. Not adhering to the January 1, 2017 deadline would trigger a reporting requirement.

This reporting requirement would require owners of non-jacketed DOT–111 tank cars in Packing Group I service in an HHFT to report to DOT the following information regarding the retrofitting progress:

- The total number of tank cars retrofitted to meet the DOT–117R specification;
- The total number of tank cars built or retrofitted to meet the DOT–117P specification;
- The total number of DOT–111 tank cars (including those built to CPC–1232 industry standard) that have not been modified;
- The total number of tank cars built to meet the DOT–117 specification; and
- The total number of tank cars built or retrofitted to a DOT–117, 117R, or 117P specification that are Electronically Controlled Pneumatic (ECP) brake ready or ECP brake equipped.

Although this reporting requirement applies to individual owners of non-jacketed DOT–111 tank cars in PG I service in an HHFT, DOT would accept a consolidated report from a group representing the affected industries. Furthermore, while not adhering to the January 1, 2017 retrofit deadline triggers an initial reporting requirement, it would also trigger a requirement which would authorize the Secretary of Transportation to request additional reports of the above information with reasonable notice.

PHMSA received comments on the 60-Day Notice (80 FR 27844) for the revision to this collection from the American Fuel & Petrochemical Manufacturers (AFPM) and the Oklahoma Department of Transportation (DOT) both in support of the tank car retrofit reporting requirements. AFPM states that expanding the final rule's reporting requirement would improve the understanding of how the retrofit

[a] An HHFT means a single train transporting 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 3 flammable liquid throughout the train consist.