

Virgin Pulse GoZone Pedometer. CN also requests to include in the relief “similar devices from other manufacturers that are solely monitoring devices without the capability to make or receive phone calls, send or receive texts, and are not capable of hosting independent games or programs.” CN states the risk of distraction is substantially minimized based on the devices’ limited functionality and further explains that the devices are part of “an important well-being program” to “support improved health outcomes” for employees.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, 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 at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by December 26, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can 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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2000-7257, Notice No. 95]

Railroad Safety Advisory Committee; Charter Renewal

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of charter renewal of the Railroad Safety Advisory Committee (RSAC).

SUMMARY: FRA announces the charter renewal of the RSAC, a Federal Advisory Committee established by the U.S. Secretary of Transportation in accordance with the Federal Advisory Committee Act to provide information, advice, and recommendations to the FRA Administrator on matters relating to railroad safety. This charter renewal will be effective for two years from the date it is filed with Congress.

FOR FURTHER INFORMATION CONTACT: Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, 202-365-3724.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 2). RSAC comprises 51 representatives from 26 organizations, representing various rail industry perspectives. The diversity of the committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. Please see the RSAC website for additional information at <https://rsac.fra.dot.gov/>.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2007-28306]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice

that on September 1, 2023, the American Public Transportation Association (APTA), on behalf of its member railroads, petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238, Passenger Equipment Safety Standards. The relevant FRA Docket Number is FRA-2007-28306.

Specifically, APTA requests continued relief from § 238.309, *Periodic brake equipment maintenance*, as applied to locomotives equipped with 26-L type brake systems and air dryers, and cab cars equipped with 26-L and Electronic Brake Valve- (EBV) type brake valves operated with locomotives with functional air dryers. The current relief extends the periodic testing interval from 3 years (1,104 days) to 4 years (1,472 days) for 26-L, and to periods stated in § 229.29 for EBV-type brake valves. In support of its request, APTA states that it is “unaware of any performance problems with the subject brake equipment operating under the current waiver.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, 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 at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by December 26, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can 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.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (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 <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety
Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2020-0091; Notice 2]

Mercedes-Benz USA, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Denial of petition.

SUMMARY: Mercedes-Benz AG (“MBAG”) and Mercedes-Benz USA, LLC (“MBUSA”) (collectively, “Mercedes-Benz”) have determined that certain model year (MY) 2019–2021 Mercedes-Benz motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 135, *Light Vehicle Brake Systems*. Mercedes-Benz filed a noncompliance report dated August 14, 2020. Mercedes-Benz subsequently petitioned NHTSA on September 4, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces denial of Mercedes-Benz’s petition.

FOR FURTHER INFORMATION CONTACT: Vince Williams, General Engineer, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-2319, facsimile (202) 366-3018.

SUPPLEMENTARY INFORMATION:

I. Overview: Mercedes-Benz has determined that certain MY 2019–2021 Mercedes-Benz A-Class, CLA-Class, GLA-Class, and GLB-Class motor vehicles do not fully comply with the requirements of paragraph S5.1.2 of FMVSS No. 135, *Light Vehicle Brake Systems* (49 CFR 571.135). Mercedes-Benz filed a noncompliance report dated August 14, 2020, pursuant to 49 CFR part 573, *Defect and*

Noncompliance Responsibility and Reports. Mercedes-Benz subsequently petitioned NHTSA on September 4, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 566, *Exemption for Inconsequential Defect or Noncompliance*.

This notice of receipt of Mercedes-Benz’s petition was published with a 30-day public comment period, on December 11, 2020, in the **Federal Register** (85 FR 80225). One comment was received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>, and then follow the online search instructions to locate docket number “NHTSA-2020-0091.”

II. Vehicles Involved: Approximately 56,223 of the following MY 2019–2021 Mercedes-Benz A-Class, CLA-Class, GLA-Class, and GLB-Class motor vehicles, manufactured between October 8, 2018, and July 27, 2020, are potentially involved:

- 2020 Mercedes-Benz A35 AMG
- 2020 Mercedes-Benz CLA45 AMG
- 2021 Mercedes-Benz GLA250
- 2019–2020 Mercedes-Benz A220
- 2020–2021 Mercedes-Benz CLA250
- 2020 Mercedes-Benz CLA35 AMG
- 2021 Mercedes-Benz GLA45 AMG
- 2021 Mercedes-Benz GLA35 AMG
- 2020 Mercedes-Benz GLB250

III. Noncompliance: Mercedes-Benz explains that the noncompliance is that the subject vehicles are not equipped with an acoustic or optical device that warns the driver when the rear brake lining requires replacement, and therefore, does not meet the requirements specified in paragraph S5.1.2 of FMVSS No. 135. Specifically, the subject vehicles are equipped with a service brake system that does not indicate the wear condition of the rear service brakes.

IV. Rule Requirements: Paragraph S5.1.2 of FMVSS No. 135 includes the requirements relevant to this petition. The wear condition of all service brakes shall be indicated by either acoustic or optical devices warning the driver at his or her driving position when lining replacement is necessary or by way of visually checking the degree of brake lining wear, from the outside or underside of the vehicle, utilizing only the tools or equipment normally supplied with the vehicle. The removal of wheels is permitted for this purpose.

V. Summary of Mercedes-Benz’s Petition: The following views and

arguments presented in this section are the views and arguments provided by Mercedes-Benz. They do not reflect the views of NHTSA. Mercedes-Benz describes the subject noncompliance and states its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mercedes-Benz submits that although the subject vehicles are equipped with a service brake system that does not indicate the wear condition of the rear service brakes, the front service brakes use an electrical brake pad sensor to monitor the wear status of the front brake pads. Mercedes-Benz explains that once the front service brakes reach a thickness of $\frac{1}{8}$ inch or 3 mm, “a warning lamp will automatically display in the instrument cluster and will remain permanently illuminated until the vehicle is serviced.” Mercedes-Benz states a message will also appear in the instrument cluster stating: “Check brake pads. See Owner’s Manual.” Mercedes-Benz states that while the driver is able to manually extinguish the indicator and message, both the indicator and message will display at each ignition cycle until the brake linings are replaced. Mercedes-Benz states that the front brake lining will not become critical until 6,000 miles after the warning indicator and message first appears.

Mercedes-Benz further explains that “the brake force distribution is in a range of 71.9%–75.5% (front)/28.1%–24.5% (rear)” causing the lining on the front service brakes to wear faster than the lining on the rear service brakes. Therefore, Mercedes-Benz explains, when the driver goes to get the front brakes serviced, “the standard work instructions direct the technician to also inspect and evaluate the status of all other sets of brake pads” and the driver will be advised if the rear brake linings are “not sufficient to make it to the next service interval.” Accordingly, Mercedes-Benz argues the “vehicle’s rear brakes will be inspected by a trained professional technician a number of times before they ever need to be replaced.”

Additionally, Mercedes-Benz states that in the event that the subject vehicle is “taken to an independent repair facility that did not follow Mercedes-Benz’s comprehensive brake pad inspection protocols, there is not an increased safety risk.” According to Mercedes-Benz, if the rear brake lining becomes fully worn, the subject vehicle “would continue to meet the braking distance requirements of FMVSS [No.] 135” due to the brake force distribution described above and the performance of the rear brakes. Furthermore, Mercedes-