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Issued in Washington, DC, on January 20, 2015.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0079]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated October 22, 2014, the Long Island Rail Road Company (LIRR) has petitioned the Federal Railroad Administration (FRA) for an extension of its waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 228.405(a)(3). FRA assigned the petition Docket Number FRA-2012-0079.

In its petition, LIRR seeks a waiver allowing the series of at most 14 consecutive calendar days to reset after a general pick, or a large timetable revision. A general pick, as described by LIRR, is a biannual event allowing train employees to bid on jobs, with jobs being awarded based on an employee's seniority. FRA's current policy only allows a maximum series of at most 14 consecutive calendar days (to reset at the end of the 14th day), or when an employee does not initiate an on-duty period for any 2 calendar days within the 14 consecutive calendar-day series.

In support of its initial request, LIRR explained that after the first general pick, about 20 employees were required to take 1 or 2 workdays off to avoid violating Federal requirements. As a result, employees suffered financially, and employee availability was reduced, disrupting LIRR's ability to provide timely and efficient service for its customers. LIRR argues that allowing the 14 consecutive calendar-day series to reset after a general pick, or a large timetable revision, will prevent any future employee financial losses and disruptions in LIRR's ability to provide optimum service to its customers. LIRR noted that there have been no material changes in circumstances since the original waiver was granted. Furthermore, LIRR states that its train employees continue to indicate support for the waiver.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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, 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 March 12, 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy). See also <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC, on January 20, 2015.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2013-0021; Notice 1]

#### Notice of Receipt of Petition for Decision That Nonconforming Model Year 2000 East Lancs Lolyne Double Decker Bus Mounted on Volvo B7L Chassis Is Eligible for Importation

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

**ACTION:** Receipt of petition.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2000 East Lancs Lolyne double decker buses mounted on Volvo B7L chassis that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is February 25, 2015.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the 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:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle 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 a notice in the **Federal Register** for 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 its decision in the **Federal Register**.

US Specs, of Havre de Grave, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether nonconforming MY 2000 East Lincs double decker buses mounted on Volvo B7L chassis are eligible for importation into the United States.

US Specs submitted information with its petition intended to demonstrate that non-U.S. certified MY 2000 East Lincs Lolyne double decker buses mounted on Volvo B7L chassis, as originally manufactured, conform to several FMVSS, and are capable of being altered to conform to additional FMVSS.

Specifically, the petitioner claims that non-U.S. certified MY 2000 East Lincs double decker buses mounted on Volvo B7L chassis, as originally manufactured, comply with the following standards:

**Standard No. 103 Windshield Defrosting and Defogging Systems:** Petitioner submitted a system description, specifications, and photographs meant to indicate compliance with the standard.

**Standard No. 106 Brake Hoses:** The petition states that the brake hoses comply with standard.

The petitioner also contends that the vehicle is capable of being altered to meet the following standards, in the manners indicated:

**Standard No. 101 Controls and Displays:** Replacement of the speedometer and installation of a conforming driver's seat belt, parking brake, and brake pressure controls, telltales, and indicators if the vehicle is not already so equipped.

**Standard No. 102 Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect:** The petitioner states that the vehicle it inspected complies with the standard. However, each vehicle must be inspected, and if necessary modified to assure compliance with the standard.

**Standard No. 104 Windshield Wiping and Washing Systems:** The petitioner submitted test reports meant to indicate compliance with the standard; however, each vehicle must be inspected to assure compliance and have the windshield wiping and washing system modified or replaced to be compliant, if necessary.

**Standard No. 108 Lamps, Reflective Devices and Associated Equipment:** Installation of the following components to meet the requirements of the standard if the vehicle is not already so equipped: tail lamp assemblies, front and rear side

lamp assemblies, front and rear clearance lamp assemblies, front and rear identification light assemblies, license plate lamp, headlights, and reflective devices.

**Standard No. 111 Rearview Mirrors:** Each vehicle must be inspected to assure compliance with the standard. Any non-compliant mirrors will be replaced to meet the requirements of this standard.

**Standard No. 119 New Pneumatic Tires for Vehicles Other Than Passenger Cars:** Replacement of tires with conforming components if the vehicle is not already so equipped.

**Standard No. 120 Tire Selection and Rims for Vehicles Other Than Passenger Cars:** Installation of a tire information placard and replacement of rims with conforming components if the vehicle is not already so equipped.

**Standard No. 121 Air Brake Systems:** Replacement of brake system indicators and replacement of brake system components as required to meet this standard. The petitioner submitted test reports meant to indicate that compliance can be achieved after these modifications are carried out.

**Standard No. 124 Accelerator Control Systems:** Installation of an accelerator control system component to meet the requirements of this standard. The petitioner submitted documentation intended to show that with this modification, compliance with the standard can be achieved.

**Standard No. 205 Glazing Materials:** Replacement of glazing as part of the emergency exits installed to meet the requirements of FMVSS Nos. 217. The petitioner submitted photographs detailing labeling and certification of all window exits meant to indicate compliance with the standard.

**Standard No. 207 Seating Systems:** Replacement of the driver's seating system to meet the requirements of this standard. The petitioner submitted manufacturer test reports meant to show compliance for the replacement seating system installed.

**Standard No. 208 Occupant Crash Protection:** Replacement of the driver's seating system, and addition of visual and audible seat belt warning devices to comply with the requirements of this standard.

**Standard No. 209 Seat Belt Assemblies:** Replacement of seatbelts as part of the driver's seating system installed to meet the requirements of FMVSS Nos. 207 and 208. The petitioner submitted test reports intended to indicate compliance with the standard after these modifications are performed.

Standard No. 210 *Seat Belt Assembly Anchorages*: Replacement of anchorages as part of the driver's seating system installed to meet the requirements of FMVSS Nos. 207 and 208. The petitioner submitted test reports intended to indicate compliance with the standard after these modifications are performed.

Standard No. 217 *Bus Emergency Exits and Window Retention and Release*: Installation of a compliant emergency escape hatch and emergency escape windows in a manner consistent with the requirements of this standard. Test reports were submitted meant to indicate that compliance with the standard can be achieved after these modifications are performed.

Standard No. 302 *Flammability of Interior Materials*: Inspection of each vehicle and removal and replacement of all interior components that do not conform to the requirements of this standard. Test reports meant to indicate compliance were submitted for interior materials present on the petition vehicle.

The petitioner additionally states that a certification label must be affixed to meet the requirements of 49 CFR part 567.

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 1.50 and 501.8.

**Jeffrey M. Giuseppe,**  
*Acting Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0028; Notice 2]

#### Toyota Motor Engineering & Manufacturing North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** Toyota Motor Engineering & Manufacturing North America, Inc., on behalf of Toyota Motor Corporation and certain Toyota manufacturing entities (collectively referred to as "Toyota") have determined that specific model year (MY) 2013-2014 Toyota vehicles do not fully comply with paragraph S4 of Federal Motor Vehicle Safety Standard (FMVSS) No. 302, *Flammability of Interior Materials*. Toyota has filed an appropriate report dated January 29, 2014 as amended on February 20, 2014 pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

**ADDRESSES:** For further information on this decision contact Michael Cole, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-2334, facsimile (202) 366-5930.

#### SUPPLEMENTARY INFORMATION:

I. *Toyota's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Toyota has petitioned 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 Toyota's petition was published, with a 30-Day public comment period, on March 11, 2014 in the **Federal Register** (FR 13733). 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-2014-0028."

II. *Vehicles Involved:* Affected are approximately 206,271 MY 2012-14 Camry, Avalon, Corolla, Sienna, Tundra, and Tacoma model Toyota vehicles. Refer to the amended report that Toyota filed pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* that Toyota included as attachment to its petition for identification of the associated Toyota manufacturing entities as well as additional details about the vehicles involved.

III. *Noncompliance:* Toyota explains that the noncompliance is that the front and rear seat cushions and front and rear seat backs in the subject vehicles fail to fully meet the requirements of paragraph S4 of FMVSS No. 302 because seat cushion and seat back components, when tested separately,

failed to meet the burn rate requirements of paragraph S4.3. Toyota identified the noncompliant components as seat heater assemblies. Toyota also states that all other components of the seat required to meet FMVSS No. 302 are in compliance with the standard.

IV. *Rule Text:* Paragraph S4 of FMVSS No. 302 requires in pertinent part:

S4.1 The portions described in S4.2 of the following components of vehicle occupant compartments shall meet the requirements of S4.3: seat cushions, seat backs, seat belts, headlining, convertible tops, arm rests, all trim panels including door, front, rear, and side panels, compartment shelves, head restraints, floor coverings, sun visors, curtains, shades, wheel housing covers, engine compartment covers, mattress covers, and any other interior materials, including padding and crash-deployed elements, that are designed to absorb energy on contact by occupants in the event of a crash . . .

S4.2 Any portion of a single or composite material which is within 13 mm of the occupant compartment air space shall meet the requirements of S4.3.

S4.2.1 Any material that does not adhere to other material(s) at every point of contact shall meet the requirements of S4.3 when tested separately . . .

S4.3 (a) When tested in accordance with S5, material described in S4.1 and S4.2 shall not burn, nor transmit a flame front across its surface, at a rate of more than 102 mm per minute. The requirement concerning transmission of a flame front shall not apply to a surface created by cutting a test specimen for purposes of testing pursuant to S5.

(b) If a material stops burning before it has burned for 60 seconds from the start of timing, and has not burned more than 51 mm from the point where the timing was started, it shall be considered to meet the burn-rate requirement of S4.3(a).

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

1. Toyota believes that its testing shows that the seat heater assemblies comply with FMVSS No. 302 when tested as a "composite" as installed in the vehicle, *i.e.*, along with the surrounding FMVSS No. 302 compliant seat cover, plus pad, and foam pad.

2. Toyota believes that its testing and design review of the seat heater assemblies indicates that the chance of fire or flame induced by a malfunctioning seat heater is essentially zero.

3. Toyota believes that the purpose of FMVSS No. 302 is to ". . . reduce the deaths and injuries to motor vehicle occupants caused by vehicle fires, especially those originating in the interior of the vehicle from sources such