

installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption is limited in that it allows repair businesses to modify only certain types of Federal required safety equipment and features, under specified circumstances. The regulation is found at 49 CFR part 595 subpart C, "Vehicle Modifications to Accommodate People with Disabilities."

This final rule included two new "collections of information," as that term is defined in 5 CFR part 1320, "Controlling Paperwork Burdens on the Public": Modifier identification and a document to be provided to the owner of the modified vehicle stating the exemptions used for that vehicle and any reduction in load carrying capacity of the vehicle of more than 100 kg (220 lbs).

Modifiers who take advantage of the exemption created by this rule are required to furnish NHTSA with a written document providing the modifier's name, address, telephone number and a statement that the modifier is availing itself of the exemption. The rule requires:

"S595.6 Modifier Identification.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor vehicle repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required

under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in the business occur."

This requirement is a one-time submission unless changes are made to the business as described in paragraph (b).

*Affected Public:* Businesses that modify vehicles, after the first retail sale, so that the vehicle may be used by persons with disabilities.

*Estimated Total Annual Burden:* 1152 hours, and \$50.04.

*Estimated Number of Respondents:* 595.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

*Comments are invited on:* 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; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and 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. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Porsche Cars North America, Inc.

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

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the Porsche Cars North America, Inc. (Porsche) petition for exemption of the Macan vehicle line in accordance with 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard*.

**DATES:** The exemption granted by this notice is effective beginning with the 2014 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Room W43-439, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated July 25, 2013, Porsche requested an exemption from the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* for the Macan vehicle line beginning with MY 2014. The petition requested exemption from parts-marking pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Porsche provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its new Porsche Macan vehicle line. Porsche stated that all Porsche Macan vehicles will be equipped with a passive antitheft device as standard equipment beginning with MY 2014. Key components of the antitheft device will include a microprocessor-based immobilizer system, electronic ignition switch, transponder key, remote control unit, alarm/central locking control unit, optional keyless entry system and electronic parking brake. The device will also be equipped with an audible and visible alarm. Additionally, Porsche stated that the central locking system works in conjunction with the audible and visible alarm. Locking the doors with the ignition key, the remote control or a door switch (with the keyless entry

option) will activate the audible and visible alarm. An ultrasonic sensor in the alarm system will monitor the doors, rear luggage compartment, front deck lid, fuel filler door, and interior movement. The horn will sound and the lights will flash if there is any detection of unauthorized use. Porsche's submission is considered a complete petition as required by 49 CFR 543.7 in that it meets the general requirements contained in 543.5 and the specific content requirements of 543.6.

Porsche stated that the immobilizer system cannot be disabled unless an original key or optional keyless entry key sends the proper code to the immobilizer system instructing the engine management system via a code to begin functioning again. The immobilizer is automatically activated when the key is removed from the ignition switch assembly, or, with the optional keyless entry, the immobilizer is automatically activated after the engine is turned off from the dashboard control switch. The immobilizer then returns to its normal "off" state, where engine starting and transmission starting are not allowed. Starting the engine and operation of the vehicle will be allowed only when the correct code is sent to the control unit by using the correct key in the ignition switch, or by having the correct keyless entry key within the occupant compartment of the car. The ignition key contains a radio signal transponder, which signals the control unit to allow the engine to be started. With the keyless entry system, operation of the vehicle is allowed when the ignition key is substituted with the special key that contains a radio signal transmitter similar to the transponder in the standard ignition key.

Porsche stated that its central locking system works in conjunction with its audible and visible alarm. Locking the doors with the ignition key, the remote control or a door switch (with the keyless entry option) will also activate the audible and visible alarm. Porsche also stated that the immobilizer cannot be disabled by manipulation of the door locks or central-locking system because the locks/locking system are incapable of sending the code needed to disable the device.

As an additional feature, Porsche stated that it will also incorporate an electronically activated parking brake on the Macan vehicle which is electronically activated and integrated into the vehicle's antitheft device. Porsche stated that if the control unit does not receive the correct code from the ignition key or keyless entry key, the parking brake will remain activated and the vehicle cannot be towed away.

Since the Porsche Macan is a new vehicle line, there is currently no available theft rate data published by the agency for the vehicle line. However, Porsche provided data on the effectiveness of other similar antitheft devices that have been installed on its 911 and Boxster/Cayman vehicle lines in support of its belief that its proposed device will be at least as effective as those comparable devices previously granted exemptions by the agency. Porsche's data showed that the theft rate for the 911 and Boxster/Cayman vehicle lines remained consistently low over a three-year period. Using an average of 3 MYs' theft data (2008–2010), the theft rates for the Porsche 911 and Boxster/Cayman vehicle lines are 0.4771 and 0.2283 respectively. Porsche also stated that the off-board antitheft concept introduced on its MY 2010 Panamera vehicle line will continue to be utilized on its Macan vehicles. Therefore, Porsche believes that the demand for Porsche vehicle components will be further reduced. The theft rate for the MY 2010 Panamera vehicle line is 1.2656. Based on the experience of these vehicle lines, Porsche has concluded that the antitheft device proposed for its Porsche Macan vehicle line is no less effective than those devices in lines for which NHTSA has already granted full exemption from the parts-marking requirements. The agency agrees that the device is substantially similar to devices in these and other vehicle lines for which the agency has already granted exemptions.

In addressing the specific content requirements of 543.6, Porsche provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Porsche conducted tests based on its own specified standards. Porsche provided a detailed list of the tests conducted (i.e., extreme temperature tests, voltage spike tests, reverse polarity tests, electromagnetic interference tests, vibration test and endurance tests) and believes that the device is reliable and durable since the device complied with its specific requirements for each test. Additionally, Porsche stated that the antitheft device also features a built-in self-diagnostic that constantly checks for system failures. If a failure is detected, an alarm indicator will signal the driver.

Porsche further states that disablement of the immobilizer is virtually impossible. Disconnecting power to the antitheft device does not affect the operation of the device. Once the antitheft device is activated, the device stays activated until the correct key or optional keyless entry key is used

to instruct the engine management system through the proper code to begin functioning again.

In further support of the reliability of its antitheft device, Porsche informed the agency that it will continue to use the "off-board" antitheft strategy that reduces the marketability of stolen electronic components and making the theft of vehicles unattractive. Specifically, Porsche stated that during the production of its vehicle, the initialization and registration of various antitheft electronic components are recorded in a central database. If the components have to be repaired or replaced, authorized access to the database must be obtained to receive authorization for the components. If authorized access to the central database is unavailable or the database indicates that the components are not authorized, further operation and use of the vehicle will be restricted or impossible to obtain.

Based on the evidence submitted by Porsche, the agency believes that the antitheft device for the Macan vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Federal Motor Vehicle Theft Prevention Standard.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Porsche has provided adequate reasons for its belief that the antitheft device for the Porsche Macan vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Federal Motor Vehicle Theft Prevention Standard. This conclusion is based on the information Porsche provided about its device.

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Porsche's petition for exemption for the Porsche Macan vehicle line from the parts-marking requirements of Part 541. The agency notes that 49 CFR Part 541, Appendix A-1, identifies those lines that are exempted from the Federal Motor Vehicle Theft Prevention Standard for a given model year. 49 CFR Part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts marking requirements of the Federal Motor Vehicle Theft Prevention Standard.

The agency notes that Porsche was significantly delayed in submitting its petition for exemption for its MY 2014 Macan vehicle line. As specified under paragraph (4) of § 543.5(b), a petition for an exemption must be submitted at least 8 months before the commencement of production for the first model year in which the petitioner wishes those lines to be exempted. Porsche is reminded of its statutory requirement for meeting this timeline when submitting future petitions for exemptions.

If Porsche decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Porsche wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de*

*minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

**Authority:** 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 290 (Sub-No. 352X); Docket No. AB 1093 (Sub No. 1X)]

#### **Norfolk Southern Railway Company—Abandonment Exemption—in Fayette and Wayne Counties, Ind.; C&N Railroad Corporation—Discontinuance of Service Exemption—in Fayette and Wayne Counties, Ind.**

Norfolk Southern Railway Company (NSR) and C&N Railroad Corporation (CNUR) (collectively, applicants) have jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for NSR to abandon, and for CNUR to discontinue service over, approximately 0.61 miles of rail line between milepost CB 4.80 (near East County Road 450N in Connersville, Fayette County, Ind.) and milepost CB 5.41 (near Whitaker Drive in Washington Township, Wayne County, Ind.) (the Line). The Line traverses United States Postal Service Zip Codes 47331 and 47357.

Applicants have certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years, and if there were any overhead traffic, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on December 10, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 18, 2013. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 29, 2013, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037, and Richard R. Wilson, 518 Center St., Suite 1, Ebensburg, PA 15931.

If the verified notice contains false or misleading information, the exemptions are void *ab initio*.

Applicants have filed a combined environmental and historic report that addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. OEA will issue an environmental assessment (EA) by November 15, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).