

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.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi Motors

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

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Mitsubishi Motors R&D of America (Mitsubishi), for an exemption in accordance with § 543.9(c)(2) of 49 CFR Part 543, *Exemption from the Theft Prevention Standard*, for the Mitsubishi Endeavor vehicle line beginning with model year (MY) 2006. This petition is granted because the agency has determined that the antitheft device to be placed on the Endeavor vehicle 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 Theft Prevention Standard. Mitsubishi requested confidential treatment for the information and attachments it submitted in support of its petition. The agency will consider the petitioner's request for confidential treatment and will respond by separate letter.

DATES: The exemption granted by this notice is effective beginning September 1, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

SUPPLEMENTARY INFORMATION: In a petition dated February 25, 2005, Mitsubishi requested exemption from the parts-marking requirements of the theft prevention standard (49 CFR Part 541) for the Mitsubishi Endeavor vehicle line beginning with MY 2006. The petition requested an exemption from parts-marking pursuant to 49 CFR 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as

standard equipment for the entire vehicle line. Subsequently, the agency notified Mitsubishi of the areas of deficiency in its petition for exemption. Mitsubishi was also informed that its submission would be considered incomplete until such time the supplementary information addressing the areas of deficiency had been received. The agency received Mitsubishi's supplementary information on July 11, 2005.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. In its petition, Mitsubishi provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new vehicle line. Mitsubishi will install its passive, electronic immobilizer antitheft device as standard equipment beginning with MY 2006. Mitsubishi'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.

In addressing the specific content requirements of 543.6, Mitsubishi provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Mitsubishi conducted tests based on its own specified standards. Mitsubishi also provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specified requirements for each test.

Mitsubishi compared the device proposed for its vehicle line with devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Mitsubishi's proposed device, as well as other comparable devices that have received full exemptions from the parts-marking requirements, lack an audible and visible alarm. Therefore, these devices cannot perform one of the functions listed in 49 CFR 542.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle. However, theft data have indicated a decline in theft rates for vehicle lines that have been equipped with antitheft devices similar to that which Mitsubishi purposes. In these instances, the agency has concluded that the lack of a visual or audible alarm has not prevented these antitheft devices from being effective protection against theft.

On the basis of this comparison, Mitsubishi has concluded that the antitheft device proposed for its vehicle line is no less effective than those

devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements.

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

The agency concludes that the device will provide four of the five types of performance listed in § 543.6(a)(3): Promoting activation; 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.

As required by 49 U.S.C. 33106 and 49 CFR 543.6(a)(4) and (5), the agency finds that Mitsubishi has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mitsubishi provided about its device, much of which is confidential. This confidential information included a description of reliability and functional tests conducted by Mitsubishi for the antitheft device and its components.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption of its Endeavor vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A-1, identifies those lines that are exempted from the 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, is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Mitsubishi decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Mitsubishi 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, § 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 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.

Issued on: October 13, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-03-15852]

Pipeline Safety: Workshops on Public Awareness Programs for Pipeline Operators

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

ACTION: Notice of workshops.

SUMMARY: PHMSA and the National Association of Pipeline Safety Representatives (NAPSR) will host two workshops to help ensure full compliance with new public awareness program requirements for pipeline operators. PHMSA will provide an update on the compliance review plan. In addition, these workshops will provide a forum to share strategies for implementing these new requirements successfully. Participants can learn about collaborative efforts undertaken in different sectors of the pipeline industry to improve both the effectiveness and efficiency of their related programs.

DATES: The November workshop will focus on helping gas distribution operators improve their public awareness programs. It will be held on November 9-10, 2005. The December workshop will focus on helping

hazardous liquid and gas transmission operators improve their public awareness programs. It will be held on December 7-8, 2005. Both workshops will begin at 1 p.m. on the first day and end at noon on the second day.

ADDRESSES: The November 9-10, 2005, workshop will be held at the Hyatt Regency Baltimore on the Inner Harbor, 300 Light Street, Baltimore, MD 21202. Hotel reservations under the U.S. Department of Transportation room block can be made at 410-528-1234 or 1-800-233-1234. The meeting room will be posted at the hotel on the day of workshop.

The December 7-8, 2005, meeting will be held at the Hilton America, 1600 Lamar Street, Houston, TX 77010. Hotel reservations under the U.S. Department of Transportation room block can be made at 713-739-8000 or 1-800-4HILTON. The meeting room will be posted at the hotel on the day of workshop.

FOR FURTHER INFORMATION CONTACT: Blaine Keener, OPS, (202) 366-0970, blaine.keener@dot.gov.

SUPPLEMENTARY INFORMATION:

Registration: To register for the workshops, select the workshop you would like to attend from <http://primis.phmsa.dot.gov/meetings/>. Hotel reservations must be made by contacting the hotel directly.

Web Casting: Both workshops will be Web cast and will be available for one month after each workshop. The Web cast Internet address will be posted to the registration Web page prior to the workshop.

Background: The Pipeline Safety Improvement Act of 2002 requires operators to evaluate and, where needed, improve their pipeline safety public awareness programs. The Act also authorized the Secretary of Transportation to prescribe standards to govern these programs. Accordingly, PHMSA issued a Final Rule (70 FR 28833) on May 19, 2005, establishing requirements for pipeline operator public awareness programs. This Final Rule revised 49 CFR 192.616 and 195.440.

The revised regulations require operators of pipeline systems to implement public awareness programs in accordance with American Petroleum Institute (API) Recommended Practice (RP) 1162, *Public Awareness Programs for Pipeline Operators*, First Edition, December 2003. On June 16, 2005, PHMSA issued a Final Rule Correction Notice (70 FR 35041) to clarify that all pipeline system operators must follow the baseline and, where appropriate, the supplemental requirements of API RP

1162. Most operators must enhance their public awareness programs to meet the new requirements by June 20, 2006. Small propane and master meter operators have until June 20, 2007, to revise their programs. The announced workshops will provide additional guidance to operators as they revise their public awareness programs.

PHMSA has created a public awareness resource Web page at <http://primis.phmsa.dot.gov/comm/PublicEducation.htm>.

PHMSA and NAPSR will begin each workshop with a brief presentation on the Public Awareness Program Final Rule and the Final Rule Correction. Industry presentations will describe efforts industry has undertaken to ensure effective and efficient compliance with these rules, including guidance on how to:

- Determine the content of public awareness messages;
- Establish delivery methods for public awareness messages;
- Determine supplemental enhancements to baseline programs; and
- Evaluate public awareness program effectiveness.

PHMSA and NAPSR will discuss oversight plans. In particular, they will discuss current plans to use a central clearinghouse approach to review public awareness programs. Finally, PHMSA will respond to frequently asked questions.

PHMSA will post agendas for the workshops on its Web site (<http://phmsa.dot.gov/>) approximately two weeks prior to the workshop.

Issued in Washington, DC on October 13, 2005.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 656 (Sub-No. 1)]

Investigation Into the Practices of the National Classification Committee

AGENCY: Surface Transportation Board.

ACTION: Request for comments from interested persons.

SUMMARY: The Board is commencing an investigation into the practices of the National Classification Committee (NCC), which administers the motor carrier classification system for its motor carrier members pursuant to an agreement approved by the Board under 49 U.S.C. 13703. The purpose of this