

to various electromagnetic radiation. Mazda stated that for reliability/durability purposes, its key and key cylinders must also meet unique strength tests against attempts of mechanical overriding. The tests conducted were for thermal shock, high temperature exposure, low-temperature exposure, thermal cycle, humidity temperature cycling, functional, random vibration, dust, water, connector and lead/lock strength, chemical resistance, electromagnetic field, power line variations, DC stresses, electrostatic discharge, transceiver/key strength and transceiver mounting strength. Mazda also stated that its device is reliable and durable because it does not have any moving parts, nor does it require a separate battery in the key. Therefore, Mazda believes that any attempt to slam-pull the ignition lock cylinder will have no effect on a thief's ability to start the vehicle, and if the correct code is not transmitted to the electronic control module there is no way to mechanically override the system and start the vehicle. Furthermore, Mazda stated that drive-away thefts are virtually eliminated with the sophisticated design and operation of the electronic-engine immobilizer system which makes conventional theft methods (*i.e.*, hot-wiring or attacking the ignition-lock cylinder) ineffective.

Additionally, Mazda reported that in MY 1996, the proposed system was installed on certain U.S. Ford vehicles as standard equipment (*i.e.* on all Ford Mustang GT and Cobra models, Ford Taurus LX, SHO and Sable LS models). In MY 1997, the immobilizer system was installed on the Ford Mustang vehicle line as standard equipment. When comparing 1995 model year Mustang vehicle thefts (without immobilizer), with MY 1997 Mustang vehicle thefts (with immobilizer), data from the National Insurance Crime Bureau showed a 70% reduction in theft. (Actual NCIC reported thefts were 500 for MY 1995 Mustang, and 149 thefts for MY 1997 Mustang.) Mazda also provided additional data from the July 2000 Insurance Institute for Highway Safety (IIHS) news release to support its belief in the reliability of its device. The IIHS news release showed an average theft reduction of about fifty percent for vehicles equipped with immobilizer systems.

Mazda's proposed device, as well as other comparable devices that have received full exemptions from the parts-marking requirements, lack an audible or visible alarm. Therefore, these devices cannot perform one of the functions listed in 49 CFR part 543.6(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 devices similar to that which Mazda proposes. In these instances, the agency has concluded that the lack of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft.

Based on the evidence submitted by Mazda, the agency believes that the antitheft device for the Mazda 5 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 (49 CFR 541).

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 part 543.6(a)(4) and (5), the agency finds that Mazda has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mazda provided about its device. For the foregoing reasons, the agency hereby grants in full Mazda's petition for exemption for its 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, 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 Theft Prevention Standard.

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

NHTSA notes that if Mazda 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.

Issued on: May 15, 2007.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. E7-9666 Filed 5-18-07; 8:45 am]

**BILLING CODE 4910-59-P**

---

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Notice and Request for Comments

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of intent to seek approval of existing collection: Waybill Sample

---

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek from the Office of Management and Budget (OMB) an approval for the currently existing collection of Waybill Sample data. This information collection is described in detail below. Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether this collection of information is necessary for the proper performance of the

functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Waybill Sample.

*OMB Control Number:* 2140-00.

*STB Form Number:* None.

*Type of Review:* Approval of existing collection.

*Respondents:* Any regulated railroad that terminated at least 4,500 carloads on its line in any of the three preceding years or that terminated at least 5% of the total revenue carloads that terminated in a particular state.

*Number of Respondents:* 64.

*Estimated Time Per Response:* 75 minutes.

*Frequency:* Five (5) respondents report Monthly; 59 report quarterly.

*Total Burden Hours (annually including all respondents):* 370 hours.

*Total "Non-hour Burden" Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier rail transportation in the United States. Under 49 CFR part 1244, a railroad is required to file carload waybill sample information (Waybill Sample) for all line-haul revenue waybills terminating on its lines if, in any of the three preceding years, it terminated 4500 or more carloads, or it terminated at least 5% of the total revenue carloads that terminate in a particular state. The information in the Waybill Sample is used by the Board, other Federal and state agencies, and industry stakeholders to monitor traffic flows and rate trends in the industry, and to develop testimony in Board proceedings. The Board has authority to collect this information under 49 U.S.C. 11144 and 11145.

**DATES:** Comments on this information collection should be submitted by July 20, 2007.

**ADDRESSES:** Direct all comments to Marilyn Levitt, Surface Transportation Board, Suite 1260, 395 E Street, SW., Washington, DC 20423-0001, or to [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). When submitting comments, please refer to "Paperwork Reduction Comments: Waybill Sample."

#### FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF PERTINENT REGULATIONS

**CONTACT:** Mac Frampton at (202) 245-0317 or at [hugh.frampton@stb.dot.gov](mailto:hugh.frampton@stb.dot.gov). [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at

1-800-877-8339.] These regulations are codified at 49 CFR parts 1244.1-1244.9 and are also available on the web through <http://www.gpoaccess.gov/cfr/index.html>.

**SUPPLEMENTARY INFORMATION:** Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under section 3506(c)(2)(A) of the PRA, Federal agencies are required to provide public notice and a 60-day comment period, prior to seeking OMB approval for an information collection.

Dated: May 21, 2007.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-9689 Filed 5-18-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 558 (Sub-No. 10)]

#### Railroad Cost of Capital—2006

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2006. The decision solicits comments on: (1) The railroads' 2006 current cost of debt capital; (2) the railroads' 2006 current cost of preferred stock equity capital (if any); (3) the railroads' 2006 cost of common stock equity capital; and (4) the 2006 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than May 29, 2007. Statements of the railroads are due by June 25, 2007. Statements of other interested persons are due by July 25, 2007. Rebuttal statements by the railroads are due by August 9, 2007.

**ADDRESSES:** Railroads and others that intend to participate in this proceeding shall file an original and one copy of a notice of intent to participate with the Secretary by the date specified below. Evidentiary statements are to be filed with the Board on or before the dates set forth above. Comments may be submitted either via the Board's e-filing format or in the traditional paper

format. Any person using e-filing should comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: STB Ex Parte No. 558 (Sub-No. 10), 395 E Street, SW., Washington, DC 20423-0001. In addition, the evidence contained in the statement shall be submitted on a 3.5-inch disk in MS Word 2003 or its equivalent.

**FOR FURTHER INFORMATION CONTACT:** Scott Decker, (202) 245-0330. (Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877-8339.)

**SUPPLEMENTARY INFORMATION:** The Board's decision is posted on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov). In addition, copies of the decision may be purchased from ASAP Document Solutions by calling 202-306-4004 (assistance for the hearing impaired is available through FIRS at 1-800-877-8339), or by e-mail at [asapdc@verizon.net](mailto:asapdc@verizon.net).

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: May 14, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-9690 Filed 5-18-07; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-31 (Sub-No. 41X)]

#### Grand Trunk Western Railroad Incorporated—Abandonment Exemption—in Oakland County, MI

Grand Trunk Western Railroad Incorporated (GTW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.7-mile portion of its line of railroad known as the Cass City Subdivision from milepost 7.06 to milepost 6.36 in Orion Township, in Oakland County, MI.<sup>1</sup> The line traverses United States Postal Service Zip Code 48359.

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Surface Transportation Board (Board) at least 50 days before the abandonment or discontinuance is to be consummated. GTW initially indicated in its notice of exemption a proposed consummation date of