and maintenance by the vehicle owner is highly unlikely.

Mitsubishi is also not aware of any customer or field reports of replacement seat belt assemblies being incorrectly installed in the subject applications as a result of the absence of the installation instructions in the service part. Mitsubishi also is not aware of any reports requesting the installation instruction, which is believed to be indicative of the availability of this information from the other sources mentioned above.

Finally, Mitsubishi has taken action to ensure that all replacement seat belt assemblies are packaged with the required installation instructions and has corrected all the replacement seat belt assemblies in the inventory for shipment to dealers.

In view of the above, Mitsubishi believes that the described noncompliance with FMVSS No. 209 is inconsequential and does not present a risk to motor vehicle safety. Thus, Mitsubishi requests that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remediing the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 am to 5 pm except Federal Holidays.


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.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at http://www.regulations.gov by following the online instructions for accessing the dockets. DOT’s complete Privacy Act Statement is available for review in the Federal Register published on April 11, 2000 (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: February 7, 2011.


Issued on: January 3, 2011.

Claus H. Harris
Acting Associate Administrator for Enforcement.

[FR Doc. 2011–79 Filed 1–6–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 293X)]

Union Pacific Railroad Company—Abandonment Exemption—in Wright County, IA

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon a line of railroad known as Kanawha Industrial Lead, extending from milepost −0.55 to milepost −0.1, a distance of 0.45 miles, near Belmont, in Wright County, Iowa. The line traverses United States Postal Service Zip Code 50421.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (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 2-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)(4) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line—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, this exemption will be effective on February 8, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues, formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 18, 2011. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 27, 2011, 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 UP’s representative: Mack H. Shumate, Jr., 101 North Wacker Drive, #1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

UP has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by January 14, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface

1The 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.

2Each OFA must be accompanied by the filing fee, which is currently set at $1,500. See 49 CFR 1002.2(f)(25).
result of this transaction, U S Rail will
assign its construction and operation
authority involving the Brookhaven Rail
Terminal, together with the leasehold
interest in the underlying property, to
USR–NY. USR–NY will facilitate
financing for the approved construction
and subsequent carrier operations,
while Applicant remains in control of
both entities.

The exemption will be effective on
January 21, 2011 (30 days after the
exemption was filed).

This is a transaction within a
corporate family of the type exempted
from prior review and approval under
49 CFR 1180.2(d)(3). Applicant states
that the transaction will not result in
adverse changes in service levels,
significant operational changes, or
changes in the competitive balance with
railers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board
cannot use its exemption authority to
relieve a rail carrier of its statutory
obligation to protect the interests of its
employees. Section 11326(c), however,
does not provide for labor protection for
transactions under §§ 11324 and 11325
that involve only Class III rail carriers.
Accordingly, the Board may not impose
labor protective conditions here,
because all of the carriers involved are
Class III rail carriers.

If the notice contains false or
misleading information, the exemption
is void ab initio. Petitions to revoke the
exemption under 49 U.S.C. 10502(d)
may be filed at any time. The filing of
a petition to revoke will not
automatically stay the transaction.
Petitions for stay will be due no later
than January 14 (at least 7 days before
the effective date of the exemption).

An original and 10 copies of all
pleadings, referring to Docket No. FD
35458 must be filed with the Surface
Transportation Board, 395 E Street, SW.,
Washington, DC 20423–0001. In
addition, one copy of each pleading
must be served on Applicant’s
representative, Eric M. Hocky, 2005
Market Street, Suite 1000, Philadelphia,
PA 19103.

Board decisions and notices are
available on our Web site at http://

Decided: January 3, 2011.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Andrea Pope-Matheson,
Clearance Clerk.

[FR Doc. 2011–128 Filed 1–6–11; 8:45 am]
BILLING CODE 8320–01–P

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board
[Docket No. FD 35458]

Gabriel D. Hall—Corporate Family
Transaction Exemption—U S Rail New
York, LLC and U S Rail Corporation

Gabriel D. Hall (Applicant), an
individual, has filed a verified notice of
exemption under 49 CFR 1180.2(d)(3)
for a transaction within a corporate
family. The transaction involves the
creation of U S Rail New York (USR–
NY) and the acquisition by USR–NY of
the leasehold rights, and construction
and operation rights of U S Rail
Corporation (U S Rail) related to the
Brookhaven Rail Terminal.¹

Applicant controls U S Rail, a Class
III carrier, which operates in Ohio,
Indiana, and New York, and U S Rail
New Jersey, also a Class III carrier, which
operates in New Jersey. As a

¹ In U S Rail Corporation—Construction and
Operation Exemption—Brookhaven Rail Terminal,
FD 35141 (STB served Sept. 9, 2010), the Board
granted U S Rail’s construction exemption, which
would connect U S Rail with the Long Island
Railroad.