

retail vehicles, the overall theft rates have been decreasing and the theft rate for the Fusion vehicles have remained very close to the overall theft rate trend. Specifically, the agency's data show that theft rates for the Fusion for MYs 2006–2008 are 1.7314, 1.8161 and 1.8797 respectively. Using an average of 3 MYs data (2006–2008), the theft rate for the Fusion vehicle line is well below the median at 1.8090.

Ford compared the effectiveness of its antitheft device with devices which NHTSA has previously determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of Part 541. Specifically, Ford provided information on the reduction in the theft rate for other vehicle lines equipped with the "SecuriLock" device. Ford's "SecuriLock" device was first introduced as standard equipment on its MY 1996 Mustang GT and Cobra vehicle lines. The "SecuriLock" system was installed on the entire Mustang vehicle line as standard equipment in MY 1997. Ford also stated that the "SecuriLock" device has been installed as standard equipment on all North American Ford, Lincoln and Mercury vehicles except for the F-Super Duty, Econoline and Crown Victoria Police Interceptor vehicles. Ford stated that according to National Insurance Crime Bureau (NICB) theft statistics, the 1997 model year Mustang with "SecuriLock" showed a 70% reduction in theft compared to its MY 1995 Mustang vehicles. Comparatively, Ford stated that there were 149 thefts reported in 1997 and 500 thefts reported in 1995. Ford also stated that the proposed device is very similar in design and implementation to the device offered on the Ford Escape vehicle line. The agency granted Ford's petition for exemption for the Escape vehicle line on April 18, 2008. Ford stated that it believes that the standard installation of the "SecuriLock" device on the Fusion vehicle line would be an effective deterrent against vehicle theft and that the low theft rate experienced by the line in CY 2008 is likely to continue or improve in future years.

The agency agrees that the device is substantially similar to devices in other vehicle lines for which the agency has already granted exemptions. Based on the evidence submitted by Ford, the agency believes that the antitheft device for the Fusion 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 part 541).

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 Ford has provided adequate reasons for its belief that the antitheft device for the Ford Fusion 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 part 541). This conclusion is based on the information Ford provided about its device.

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.

For the foregoing reasons, the agency hereby grants in full Ford's petition for exemption for the Fusion 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 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 Ford 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 Parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Ford 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: January 7, 2011.

Joseph S. Carra,
Acting, Associate Administrator for
Rulemaking.

[FR Doc. 2011–567 Filed 1–12–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 6 (Sub-No. 473X)]

BNSF Railway Company— Abandonment Exemption—in Rolette and Towner Counties, ND

BNSF Railway Company (BNSF), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—*Exempt Abandonments* to abandon 17.75 miles of rail line between milepost 30.00, north of Bisbee and milepost 47.75 at Rolla, in Rolette and Towner Counties, N.D.¹ The line traverses United States Postal Service Zip Codes 58317, 58363, and 58367.

BNSF 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; (3) no formal complaint filed by a user of rail service on the line (or by a state or local

¹ On December 23, 2010, the Rollo Job Development Authority (RJDA) filed a letter in opposition. While the Board will not delay service and publication of this notice based on that letter alone, RJDA has a number of post-publication/service options available to it, as set forth in this notice, should it choose to pursue the matter further.

² BNSF states that the line was embargoed on March 29, 2007 due to soft track conditions and sub-grade issues and the subsequent destruction by fire of two bridges.

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 (environmental report), 49 CFR 1105.8 (historic 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 this exemption, any employee adversely affected by the abandonment 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, this exemption will be effective on February 11, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 24, 2011. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 1, 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 BNSF's representative: Karl Morell, 1455 F St., NW., Suite 225, Washington, DC 20005.

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

BNSF 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 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 environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by January 12, 2012, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "WWW.STB.DOT.GOV."

Decided: January 10, 2011.

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

Andrea Pope-Matheson,
Clearance Clerk.

[FR Doc. 2011-632 Filed 1-12-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35446]

City of Temple, Tex.—Acquisition Exemption—Georgetown Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice instituting proceeding; request for comments.

SUMMARY: On December 15, 2010, the City of Temple, Tex. (Temple), a noncarrier, filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10901 to acquire from the Georgetown Railroad Company (Georgetown) an approximately 6.277-mile line of railroad, between milepost 0.0, near Belton, and milepost 6.277, at Smith, in Bell County, Tex. (the line), and the trackage rights granted to Georgetown to operate over the line.¹ In

¹ Temple has also concurrently filed a motion for protective order pursuant to 49 CFR 1104.14(b) to allow Temple to file the unredacted Purchase and Sale Agreement under seal. That motion will be addressed in a separate decision.

a related transaction, Temple & Central Texas Railway, Inc. (TCTR), a Class III carrier, filed a verified notice of exemption under 49 CFR 1150.41 to operate over the line. That notice was served and published in the **Federal Register** on December 10, 2010 (75 FR 77,044). *Temple & Central Tex. Ry.—Operation Exemption—City of Temple, Tex.*, FD 35447 (STB served Dec. 10, 2010). The Board seeks comments from interested persons on Temple's request to acquire the line.

DATES: Written comments must be filed with the Board by February 2, 2011. Replies must be filed by February 9, 2011.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise 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: Docket No. FD 35446, 395 E Street, SW., Washington, DC 20423-0001.

In addition, send one copy of any comments to Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

FOR FURTHER INFORMATION CONTACT: Julia Farr at 202-245-0359. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On December 15, 2010, Temple filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10901 to acquire the line. Previously Temple had filed a notice of exemption to acquire and operate over the line.² Temple stated in that notice that the purpose of the acquisition was to construct a pipeline underneath the right-of-way and subsequently convert the line into a trail under the National Trails System Act, 16 U.S.C. 1247(d). The Director of the Office of Proceedings stated in the April 23 notice that the Board has found that acquiring a line for the purpose of abandoning rather than operating over it constitutes a misuse of Board procedures. Accordingly, Temple's notice was rejected without prejudice. Subsequently, Temple entered into an agreement with TCTR, which operates

² *City of Temple, Tex.—Acquisition and Operation Exemption—Georgetown R.R. Co.*, FD 35369 (STB served Apr. 23, 2010) (April 23 notice).

³ 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.

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).