

405(e) grants to those States that have enacted a primary enforcement texting-ban law before July 6, 2012, and are otherwise ineligible for a grant under this program (i.e., First-Year Texting-Ban Grant). See 23 U.S.C. 405(e)(6). Therefore, subject to the availability of funds, DOT intends to make available approximately \$5.6 million for First-Year Texting-Ban Grants in FY 2013 (Section III.C). In FY 2013, DOT further intends to reserve \$5 million of the amount available for Section 405(e) grants for broadcast media support, as is authorized in MAP-21. See 23 U.S.C. 405(e)(7). Accordingly, subject to the availability of funds, of the \$17.525 million reserved in FY 2013 to provide grants under Section 405(e), DOT intends to make available approximately \$11.9 million for Distracted Driving Grants (Section III.B) and approximately \$5.6 million for First-Year Texting-Ban Grants (Section III.C).

Section 405(e) does not specify how distracted driving grants are to be allocated among the qualifying States. Four of the six grant programs authorized in MAP-21 Section 31105 (Occupant Protection, State Traffic Safety Information System, Impaired Driving Countermeasures and Graduated Driver Licensing Laws) allocate grant funds in proportion to the State's apportionment under 23 U.S.C. 402 for FY 2009. DOT will use this process to allocate grant funds to States under both parts of this grant program (Distracted Driving Grants and First-Year Texting-Ban Grants), consistent with past practice in a number of highway safety grant programs. In addition, consistent with limitations in some other highway safety programs, a cap of 10 percent of the total amount authorized for FY 2013 Section 405(e) will apply to each grant award. The amount of funds awarded to a State under this program will depend on the grant for which a State is applying and the total number of States qualifying for each type of grant under the program.

#### VI. Use of Grant Funds

*A. Eligible uses of grant funds.* MAP-21 stipulates that each State that receives a Section 405(e) grant must use at least 50 percent of the grant funds (1) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving; (2) for traffic signs that notify drivers about the distracted driving law of the State; or (3) for law enforcement costs related to the enforcement of the distracted driving law. See 23 U.S.C. 405(e)(5)(A). The remaining grant funds, but no more than 50 percent, may be used for any eligible

project or activity under 23 U.S.C. 402. See 23 U.S.C. 405(e)(5)(B).

*B. Matching requirement.* MAP-21 Section 31105 does not specify a Federal share for the activities funded by the Distracted Driving Grant Program. However, 23 U.S.C. 120 specifies a Federal share of 80 percent for any project or activity carried out under Title 23. Because the Distracted Driving Grant Program is a program under Title 23, the Federal share is 80 percent.

#### VII. Administration

The requirements of 49 CFR part 18, the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, govern the implementation and management of grants awarded under the Distracted Driving Grant Program. For ease of administration, States may fulfill financial and reporting requirements through the processes (e.g., vouchering, reporting) applied to the other highway safety grants in Title 23, Chapter 4. This includes the requirement that qualifying States submit a plan explaining, by countermeasure area, how awarded grant funds will be used, including those that will be used to address distracted driving and those that will be used for eligible projects under 23 U.S.C. 402.

#### VIII. Additional Information

Beginning with FY 2014 grants, July 1 of the prior year is the single application deadline for highway safety program grants and national priority program grants. See MAP-21 Sections 31101 and 31102. While DOT is publishing this notice to give States an opportunity to submit applications for these newly authorized grants in FY 2013, in the near future, DOT intends to issue regulations implementing highway safety program grants and national priority safety program grants under Sections 402 and 405 for FY 2013 and 2014, as applicable. DOT intends to award Distracted Driving Grants under Section 405(e) for FY 2014 and future years pursuant to the single application process to be set forth in those upcoming regulations.

**Authority:** Public Law 112-141, Section 31105(e); 23 U.S.C. 405(e) (as set forth in MAP-21); delegation of authority at 49 CFR §§ 1.94 and 1.95.

Issued on: August 17, 2012.

**Ray LaHood,**  
Secretary.

[FR Doc. 2012-20926 Filed 8-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi Motors R&D of 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 Mitsubishi Motors R&D of America, Inc.'s (Mitsubishi) petition for exemption of the Mitsubishi [confidential] vehicle line in accordance with 49 CFR part 543, *Exemption from the 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 Theft Prevention Standard 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard*. Mitsubishi requested [confidential] treatment for specific information in its petition. The agency will address Mitsubishi's request for [confidential] treatment by separate letter.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43-443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366-0846. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated June 29, 2012, Mitsubishi requested exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Mitsubishi [confidential] vehicle line, beginning with MY 2014. The petition requested an 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 the 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, Mitsubishi provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for

the [confidential] vehicle line. Mitsubishi will install a passive, transponder-based, electronic engine immobilizer device as standard equipment on its [confidential] vehicle line beginning with MY 2014. Mitsubishi stated that its entry models will be equipped with a Wireless Control Module (WCM) immobilizer. Components of the WCM will include a transponder key, key ring antenna and an electronic time and alarm control system (ETACS). All other models will be equipped with a One-touch Starting System (OSS) immobilizer. Components of the OSS include the engine switch, keyless operation electronic control unit (KOS ECU), OSS ECU and KOS key. Mitsubishi will not incorporate an audible and visual alarm system on its vehicles. 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.

Mitsubishi stated that the WCM is a keyless entry system in which the transponder is embedded in a traditional key and inserted into the key cylinder to activate the ignition and start the engine. All other models of the [confidential] vehicle line are equipped with a OSS system, which utilizes a keyless system that allows the driver to press a button on the instrument panel to activate and deactivate the ignition as long as the transponder is located in close proximity to the driver. Mitsubishi also stated that the performance of the immobilizer will be the same in all models whether the vehicle has a WCM or OSS entry system. Mitsubishi further stated that the only difference between the two devices will be the "key" (i.e., transponder key or keyless operation key) and the method used to transmit the information to the immobilizer.

Mitsubishi stated that once the ignition switch is turned or pushed to the "ignition-on" position, the transceiver module reads the specific ignition key code for the vehicle and transmits an encrypted message containing the key code to the electronic control unit (ECU). The immobilizer receives the key code signal transmitted from either type of key (WCM or OSS) and verifies that the key code signal is correct. The immobilizer then sends a separate encrypted start-code signal to the engine ECU to allow the driver to start the vehicle. The engine only will function if the key code matches the unique identification key code previously programmed into the ECU. If the codes do not match, the engine and fuel systems will be disabled.

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 provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specific requirements for each test. Mitsubishi additionally stated that its immobilizer device is further enhanced by several factors making it very difficult to defeat. Specifically, Mitsubishi stated that communication between the transponder and the ECU are encrypted. The WCM has over 4.3 billion and the OSS has over 250 million different possible key codes that make successful key code duplication virtually impossible. Mitsubishi also stated that its immobilizer system and the ECU share security data during vehicle assembly that make them a matched set. These matched modules will not function if taken out and reinstalled separately on other vehicles. Mitsubishi also stated that it is impossible to mechanically override the system and start the vehicle because the vehicle will not be able to start without the transmission of the specific code to the electronic control module. Lastly, Mitsubishi stated that the anti-theft device is extremely reliable and durable because there are no moving parts, nor does the key require a separate battery.

Mitsubishi informed the agency that its Eclipse vehicle line has been equipped with the device since introduction of its MY 2000 vehicles. Mitsubishi stated that the theft rate for the MY 2000 Eclipse decreased by almost 42% when compared with that of its MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). Mitsubishi also revealed that the Eclipse, Galant, Endeavor, Outlander, Lancer, Outlander Sport and i-MiEV vehicle lines have been equipped with a similar type of immobilizer device since January 2000, January 2004, April 2004, September 2006, March 2007, September 2010 and October 2011 respectively. The Mitsubishi Eclipse, Galant, Endeavor, Outlander and Lancer vehicle lines have all been granted parts-marking exemptions by the agency and the average theft rates using 3 MY's data are 1.7356, 4.8973, 1.1619, 0.3341 and 1.0871 respectively. Theft rate data for the Outlander Sport and i-MiEV are not available. Therefore, Mitsubishi has concluded that the anti-theft 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 supporting evidence submitted by Mitsubishi on the device, the agency believes that the anti-theft device for the [confidential] 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). 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.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for an 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 anti-theft 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 Mitsubishi has provided adequate reasons for its belief that the anti-theft device for the Mitsubishi [confidential] 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 Mitsubishi provided about its device.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption from the [confidential] vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with the 2014 model year vehicles. 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 anti-theft 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. Mitsubishi will provide the agency with notification of the nameplate and model year of the vehicle

line for which [confidential] treatment has been requested prior to introduction of the vehicle line.

If Mitsubishi 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 as required by 49 CFR 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: August 20, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2012-20837 Filed 8-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 55 (Sub-No. 716X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Niagara County, NY

CSX Transportation, Inc. (CSXT) filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 0.1-mile rail line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDN 28.0 near North Avenue to the end of the track at milepost QDN

28.1, in Niagara Falls, Niagara County, N.Y. The line traverses United States Postal Service Zip Code 14305.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can 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 a 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)(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 September 25, 2012, 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 September 4, 2012. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 13, 2012, 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 CSXT's

<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. Effective August 26, 2012, the filing fee for an OFA increases from \$1,500 to \$1,600. See 49 CFR 1002.2(f)(25); *Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2012 Update*, EP 542 (Sub-No. 20), slip op. app. B at 17 (STB served July 27, 2012).

representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

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

CSXT has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by August 31, 2012. 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 (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), CSXT 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 CSXT's filing of a notice of consummation by August 24, 2013, 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](http://www.stb.dot.gov).

Decided: August 20, 2012.

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

**Raina S. White,**  
*Clearance Clerk.*

[FR Doc. 2012-20861 Filed 8-23-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 33 (Sub-No. 310X)]

#### Union Pacific Railroad Company— Abandonment Exemption—in Polk County, IA

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 5.8-mile line of railroad on the Ankeny Industrial Lead between milepost 4.7