

protected to the greatest degree possible when they ride in motor vehicles. The OMB approval for this survey is scheduled to expire on October 31, 2012. NHTSA seeks an extension to this approval in order to obtain this important survey data, save more children and help to comply with the TREAD Act requirement.

*Estimated Annual Burden:* 320 hours.

*Estimated Number of Respondents:*

Approximately 4,800 adult motorists in passenger vehicles at gas stations, fast food restaurants, and other types of sites frequented by children during the time in which the survey is conducted.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: June 7, 2012.

**Terry Shelton,**

*Associate Administrator, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, U.S. Department of Transportation.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition To Modify an Exemption of a Previously Approved Antitheft Device; Ford Motor Company

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

**ACTION:** Grant of petition to modify an exemption of a previously approved antitheft device.

**SUMMARY:** On January 13, 2011, the National Highway Traffic Safety Administration (NHTSA) granted in full Ford Motor Company's (Ford) petition for an exemption in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard* for the Ford Fusion vehicle line beginning with its model year (MY) 2012 vehicles. On February 16, 2012, Ford submitted a petition to modify its previously approved exemption for the

Ford Fusion vehicle line beginning with model year (MY) 2013. Ford also requested confidential treatment of specific information in its petition by letter dated April 25, 2012. The agency will address Ford's request for confidential treatment by separate letter. NHTSA is granting Ford's petition to modify the exemption in full because it has determined that the modified device is also likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

**DATES:** The modification granted by this notice is effective beginning with the 2013 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** On January 13, 2011, NHTSA published in the **Federal Register** a notice granting in full a petition from Ford for an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR 541) for the Fusion vehicle line beginning with its MY 2012 vehicles. The 2012 Ford Fusion is currently equipped with the SecuriLock immobilizer device as standard equipment. The SecuriLock device is a passive antitheft device and is offered with an optional perimeter alarm system (See 76 FR 2444).

On February 16, 2012, Ford submitted a petition to modify its previously approved exemption for the Fusion vehicle line. This notice grants in full Ford's petition to modify the exemption for the Fusion vehicle line beginning with its MY 2013 vehicles. Ford's submission is a complete petition, as required by 49 CFR part 543.9(d), in that it meets the general requirements contained in 49 CFR Part 543.5 and the specific content requirements of 49 CFR Part 543.6. Ford's petition provides a detailed description and diagram of the identity, design, and location of the components of the antitheft device proposed for installation beginning with the 2013 model year.

The MY 2012 passive antitheft device installed as standard equipment on the Ford Fusion is a passive transponder-based electronic powertrain immobilizer system (SecuriLock). Features of the antitheft device include an electronic key, ignition lock, and a transponder-based electronic passive immobilizer. The MY 2012 device also incorporates

a separate perimeter alarm system that monitors all the doors, decklid and hood of the vehicle. If unauthorized access is attempted to any of those protected areas, a visible and audible alarm is activated.

Ford stated that integration of the transponder into the normal operation of the ignition key assures activation of the device. When the ignition key is turned to the start position, the transceiver module reads the ignition key code and transmits an encrypted message to the cluster. Once validation of the key is determined, the engine can be started once a separate encrypted message is sent to the powertrain's electronic control module (PCM). The powertrain will function only if the key code matches the unique identification key code previously programmed into the PCM. If the codes do not match, the powertrain engine starter will be disabled.

In its 2012 modification, Ford stated that the Fusion vehicles will be available with the Intelligent Access with Push Button Start (IAWPB) system as optional equipment on its Fusion S and SE trim vehicles but would continue to be equipped with the SecuriLock antitheft system as standard equipment. Ford also stated that the Fusion Titanium trim and Fusion Hybrid vehicles will be equipped with the IAWPB system as standard equipment.

Ford further stated that the IAWPB system being offered on the 2013 Fusion vehicles is of the same design and performance as that being installed on the MY 2011 Ford Explorer vehicles. Ford was granted an exemption for the Explorer vehicle line on May 28, 2010 by NHTSA (See 75 FR 30103). The agency's most current theft rate information for the Ford Explorer using two MYs data (2004-2005) is 1.6477.

Key components of the IAWPB system is an electronic keyfob, remote function actuator, body control module, power train control module and a passive immobilizer. Ford stated that both devices are always active and require no other operator action. Ford stated that in addition to a programmed electronic key, there are two modules, the Body Control Module (BCM), and the PCM, that must be matched together to start the vehicle. These matched modules will not function in other vehicles if separated from each other, adding even an additional level of security to the IAWPB device. Specifically, in the SecuriLock device, when the ignition key is turned to the "start" position, the transceiver module reads the ignition key code and transmits an encrypted message from the keycode to the control

module, which then determines key validity and authorizes engine starting by sending a separate encrypted message to the PCM. In the IAWPB device, when the "start" button is pressed, and the brake pedal is depressed, the BCM triggers the Remote Function Actuator (RFA) to search for a key inside the vehicle. If a key is detected, the RFA compares the keycode to the stored valid codes in the RFA and reports back to the BCM whether a valid key was found. In both devices, if the codes do not match, the vehicle will be inoperable. Additionally, Ford stated that in both systems, an electronic key has to be programmed to the vehicle via a secure diagnostic method. If this programmed key is not present in the vehicle, the engine will be inoperable.

Ford previously stated in its MY 2011 petition that reliability and durability of the devices are supported by the incorporation of several features in both the SecuriLock and IAWPB device. Specifically, some of those features include: encrypted communication between the transponder, control function and the power train control module; no moving parts; inability to mechanically override the device to start the vehicle; and the BCM/RFA remote function actuator and the power train control module share security data that during vehicle assembly form matched modules that if separated from each other will not function in other vehicles.

Ford believes that the planned addition of the optional IAWPB electronic engine immobilizer system will render ineffective, conventional theft methods, such as hot-wiring, attacking the ignition lock cylinder and drive-away thefts.

Ford also believes that installation of the SecuriLock system and IAWPB system are an effective deterrent against vehicle theft. Since the same aspects of performance (*i.e.*, arming and the immobilization feature) are still provided, the agency believes that the same level of protection is being met. Since the agency granted Ford's exemption for its MY 2012 Fusion vehicle line, there is no available theft rate information for this vehicle.

The agency has evaluated Ford's MY 2012 petition to modify the exemption for the Fusion vehicle line from the parts-marking requirements of 49 CFR part 541, and has decided to grant it. The agency believes that the proposed device will continue to 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.

If Ford 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 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: June 6, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 279 (Sub-No. 6X)]

#### Canadian National Railway Company— Abandonment Exemption—in Niagara County, NY

On May 23, 2012, Canadian National Railway Company (CNR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon the entire U.S. portion of its Grimsby Subdivision. The rail line extends from approximately milepost 0.20 to approximately milepost 0.35 in the City of Niagara Falls, Niagara County, N.Y., a distance of 0.15 mile.<sup>1</sup> Specifically, 0.10 mile of the rail line is located on the upper deck of the U.S. portion of the Whirlpool Rapids Bridge.<sup>2</sup> The remaining 0.05 mile of the rail line consists of single track in Niagara Falls, extending between the eastern end of the Bridge and the beginning of the Niagara Branch of CSX Transportation, Inc. The line traverses United States Postal Service Zip Code 14305.

In addition to an exemption from the provisions of 49 U.S.C. 10903, CNR

<sup>1</sup> CNR states that its Grimsby Subdivision lies partly in Canada and partly in the United States. The U.S. portion of the Subdivision is one of only a few CNR segments that extend briefly into the United States and that are owned and operated by CNR, rather than by one of CNR's U.S. operating affiliates.

<sup>2</sup> The Whirlpool Rapids Bridge is an international rail/highway bridge that crosses the Niagara River between Niagara Falls, N.Y., and Niagara Falls, Ontario, Canada, and is owned by the bi-national Niagara Falls Bridge Commission.

seeks exemption from 49 U.S.C. 10904 (offer of financial assistance (OFA) procedures) and 49 U.S.C. 10905 (public use conditions). In support, CNR states that, upon consummation of the abandonment authority it seeks, the line is expected to be used for continued rail passenger service as part of Niagara Falls' plans to develop enhanced rail passenger and intermodal service, and that there is no overriding public need for continued freight rail service. CNR also seeks expedited action in this proceeding. CNR states that expedited handling is being requested so that Federal funding for the proposed Niagara Falls International Railway Station and International Transportation Center may be released in time to permit construction during the 2012 construction season. These requests will be addressed in the final decision.

According to CNR, the line does not contain Federally granted rights-of-way. Any documentation in CNR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 10, 2012.

Any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,500 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 2, 2012. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 279 (Sub-No.6X), and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001; and (2) David A. Hirsh, Harkins Cunningham LLP, 1700 K Street NW., Suite 400, Washington, DC 20006. Replies to CNR's petition are due on or before July 2, 2012.

Persons seeking further information concerning abandonment procedures