

59. Novus Operating, LLC, Pad ID: NorthFork 1H, ABR-20100158, Brookfield Township, Tioga County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: January 28, 2010.

Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: April 16, 2010.

Stephanie L. Richardson,
Secretary to the Commission.

[FR Doc. 2010-9654 Filed 4-26-10; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 415 (Sub-No. 2X)]

Escanaba & Lake Superior Railroad Company—Abandonment Exemption—in Ontonagon and Houghton Counties, MI

On April 9, 2010, Escanaba & Lake Superior Railroad Company (ELS) 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 approximately 42.93 miles of rail line in Ontonagon and Houghton Counties, Mich., extending between milepost 408.02 at Ontonagon and milepost 365.09 at Sidnaw. The line traverses United States Postal Service Zip Codes 49948, 49953, and 49961, and includes the stations of Ontonagon at milepost 408.0, Mass at milepost 388.8, Rockland at milepost 396.1, Rosseau at milepost 383.2, Pori at milepost 381.2 and Frost at milepost 373.1.

The line does contain federally granted rights-of-way. Any documentation in the possession of ELS 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 and The Union Pacific Railroad Company—Abandonment Portion Goshen Branch Between Firth and Ammon, In Bingham and Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued on or before July 28, 2010. ELS has requested that its petition be given expedited consideration.

Any offer of financial assistance (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 May 12, 2010. Each trail 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 415 (Sub-No. 2X) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; and (2) Keith G. O'Brien, 2401 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20037. Replies to the petition are due on or before May 12, 2010.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. Assistance for the hearing impaired is available through Federal Information Relay Service (FIRS) at 1-800-877-8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its presentation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 20, 2010.

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

Kulunie L. Cannon,
Clearance Clerk.

[FR Doc. 2010-9676 Filed 4-23-10; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition To Modify an Exemption of a Previously Approved Antitheft Device; Porsche

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

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

SUMMARY: On April 20, 2009, the National Highway Traffic Safety Administration (NHTSA) granted in full Porsche Cars North America's (Porsche) petition for an exemption in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard* for the Porsche Panamera vehicle line beginning with model year (MY 2010). On February 4, 2010, Porsche submitted a petition to modify its previously approved exemption for the Porsche Panamera vehicle line beginning with model year (MY) 2012. NHTSA is granting Porsche'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 exemption granted by this notice is effective beginning with model year (MY) 2012.

FOR FURTHER INFORMATION CONTACT: Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Standards, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-0846. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: On April 20, 2009, NHTSA published in the **Federal Register** a notice granting in full a petition from Porsche for an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR 541) for the Panamera vehicle line beginning with its MY 2010 vehicles. The Porsche Panamera is equipped with a passive antitheft device (see 74 FR 10837) and an audible and visible alarm.

On February 4, 2010, Porsche submitted a petition to modify the previously approved exemption for the Panamera vehicle line. This notice grants in full Porsche's petition to modify the exemption for the Panamera vehicle line. Porsche's submission is a complete petition, as required by 49

CFR 543.9(d), in that it meets the general requirements contained in 49 CFR 543.5 and the specific content requirements of 49 CFR 543.6. Porsche'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 2012 model year.

The MY 2010 passive antitheft device installed on the Porsche Panamera includes a microprocessor-based immobilizer system, electronic ignition switch, transponder key, remote control unit, alarm/central locking control unit, optional keyless entry system and electronic parking brake. Porsche stated that the central locking system works in conjunction with the audible and visible alarm. Locking the doors with the ignition key, the remote control or a door switch (with the keyless entry option) will activate the audible and visible alarm. An ultrasonic sensor in the alarm system will monitor the doors, rear luggage compartment, front deck lid, fuel filler door, and interior movement. The horn will sound and the lights will flash if there is any detection of unauthorized use. Porsche stated that its immobilizer prevents the engine management system and steering system from functioning when the system is engaged. The immobilizer is automatically activated when the key is removed from the ignition switch assembly, or the optional special keyless entry keycard exits the vehicle with the driver. The immobilizer then returns to its normal "off" state, where engine starting, operation, and steering are inhibited. Starting the engine and operation of the vehicle will be allowed only when the correct code is sent to the control unit by using the correct key in the ignition switch, or by having the correct keyless entry keycard within the occupant compartment of the car. The ignition key contains a radio signal transponder which signals the control unit to allow steering and the engine to start. With the keyless entry system, operation of the vehicle is allowed when the ignition key is substituted with the special keycard that contains a radio signal transmitter similar to the transponder in the standard ignition key.

Porsche also stated that the Panamera line is equipped with an electronic steering column lock and an electronically activated parking brake which is integrated into the vehicle's antitheft device. If the control unit does not receive the correct code from the ignition key or keycard, the parking brake will remain activated and the vehicle cannot be towed.

In its 2012 modification, Porsche stated that it proposes to delete the electronic steering column lock equipped on the exempted vehicle line because the steering column lock is considered redundant by the electronic parking brake that is standard equipment on the line. Porsche proposes to delete the electronic steering lock feature beginning with its MY 2012 vehicles. Porsche stated that its 2012 modified antitheft system will now consist of a microprocessor based immobilizer system which prevents functioning of the engine management system, an activated parking brake system, central locking and an alarm system.

Porsche also stated that with its 2012 modification, the normal state of the applicable control unit is to not allow engine starting or release of the activated parking brake. Only by insertion of the correct key into the ignition switch, or by having the special keyless entry keyfob/device with the occupant compartment of the car is the correct signal sent to the applicable control units, allowing the engine to start and activation of the parking brake to be released. Porsche stated that when the key is removed from the ignition, or the ignition switch/control unit is turned to the ignition lock position and the keyfob exits the vehicle with the driver, the device will return to its normal "off" state, preventing the engine from starting and the parking brake from being released.

Porsche stated that it believes that the planned deletion of the electronic steering column lock from its comprehensive device for the Panamera vehicle line will continue to be as effective as parts-marking and should continue to qualify for an exemption from parts-marking. Since the same aspects of performance (*i.e.*, arming of the device and the immobilization feature) are still provided, the agency believes that the same level of protection is being met. The agency agrees that the deletion of the electronic steering column lock feature should have no effect on functionality of the device's ability to deter theft. Since the agency granted Porsche's exemption for its MY 2010 Panamera vehicle line, there has been no available theft rate data published by the agency for the vehicle line.

The agency has evaluated Porsche's MY 2012 petition to modify the exemption for the Panamera 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 the five types of performance

listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; 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 Porsche 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 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: April 22, 2010.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 2010-9704 Filed 4-26-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 95 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director Medical Programs, 202-366-4001, U.S. Department of Transportation, FMCSA, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m.