

DDE and EWS (CAS control modules). The DME/DDE must identify the release signal and only then will the ignition signal and fuel supply be released.

Additionally, BMW stated that the mechanical keys for the Carline X1 are unique. A special key blank, a special key cutting machine and the vehicle's unique code are needed to duplicate a key. BMW stated that new keys will only be issued to authorized persons.

BMW stated that the proposed antitheft device does not provide any visible or audible indication of unauthorized entry. BMW asserts that theft data have indicated a decline in theft rates for vehicle lines that have been equipped with antitheft devices similar to that which it proposes to install on the Carline X1 line.

BMW 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. The antitheft device that BMW intends to install on its Carline X1 vehicle line for MY 2012 is the same device that BMW installed on its BMW X3 and X5 vehicle lines, and its Carline 1, 3, 5, 6, 7, Z4, and MINI vehicle lines. BMW has concluded that the antitheft device proposed for the Carline X1 vehicle line is no less effective than those devices and similar devices for which NHTSA has already been granted exemptions from the parts-marking requirements.

BMW stated that the agency's theft rate data indicate that antitheft devices installed on BMW vehicles have been very effective in decreasing thefts. Specifically, BMW stated that all of its vehicle lines are installed with antitheft devices as standard equipment and the agency's data show that theft rates for those vehicle lines are very low. Specifically, BMW stated that for MY/CY 2008, the agency's data show that theft rates for those lines are: 0.08 (1-series), 0.74 (3-series), 0.65 (3-series), 0.66 (6-series), 2.79 (7-series), 0.63 (M3), 1.12 (M5), 0.68 (Z4(M)), and 0.26 (MINI Cooper) respectively. Using an average of 3 MYs data (2006–2008), theft rates for those lines are: 0.0841, 0.7719, 0.9636, 1.4791, 2.2942, 2.0251, 1.7992, 0.6916, 0.3299, respectively.

In addressing the specific content requirements of 543.6, BMW provided information on the reliability and durability of its device. To ensure reliability and durability of the device, BMW conducted tests based on its own specified standards and believes that the device is reliable and durable since the device complied with its specified requirements for each test. BMW

provided a detailed list of the tests conducted.

Based on the supporting evidence submitted by BMW, the agency believes that the antitheft device for the BMW Carline X1 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 exemption from the parts-marking requirements of Part 541, either in whole or in part, if it determines that, based upon supporting 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 BMW has provided adequate reasons for its belief that the antitheft device for the Carline X1 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 BMW provided about its device.

For the foregoing reasons, the agency hereby grants in full BMW's petition for exemption for the MY 2012 Carline X1 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 part 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 BMW 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 parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if BMW 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 anti-theft 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: November 16, 2010.

**Joseph S. Carra,**

*Acting Associate Administrator for Rulemaking.*

[FR Doc. 2010–29289 Filed 11–19–10; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE–2010–52]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number

involved and must be received on or before December 2, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2010–0897 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Keira Jones (202) 267–4025, Tyneka Thomas (202) 267–7626 or David Staples (202) 267–4058, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 16, 2010.

**Dennis Pratte,**

*Acting Deputy Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA–2010–0897.

*Petitioner:* Everts Air Fuel.

*Section of 14 CFR Affected:* 14 CFR 91.313(a)(1), (2) & (c).

*Description of Relief Sought:* Relief is sought to allow Everts Air Fuel to operate Air Tractor AT–802 or AT–1002 (or equivalent) aircraft modified to haul fuel (either company- or customer-owned) with an FAA-approved tanks system to Alaskan villages, mines, cabins, and other remote Alaskan sites.

[FR Doc. 2010–29377 Filed 11–19–10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

**Union Pacific Railroad Company**

[Waiver Petition Docket Number FRA–2004–17565]

The Union Pacific Railroad Company (UPRR) seeks an amendment to an existing waiver of compliance from certain provisions of Title 49 CFR parts 231 and 232, concerning the operation of RoadRailer® and RailRunner® equipment on their railroad. Subject to certain conditions, the existing waiver in this docket authorizes UPRR to operate RoadRailer equipment on their railroad. UPRR now seeks relief from certain provisions of the Railroad Safety Appliance Standards in Title 49 CFR part 231, that stipulate the number, location, and dimensions for handholds, ladders, sill steps, uncoupling levers, and handbrakes to operate RailRunner equipment commingled with RoadRailer equipment. UPRR also seeks relief from Title 49 CFR 231.31, which sets the standard height for drawbars. UPRR states that this relief is necessary to allow them to operate and commingle the RoadRailer® and RailRunner® equipment on dedicated trains operating from Chicago, Illinois, to Minneapolis, Minnesota.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires

an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2004–17565) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Page 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on November 15, 2010.

**Michael Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 2010–29291 Filed 11–19–10; 8:45 am]

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