

comment includes any personal identifying information, such information will be made available to users of Web site.

**FOR FURTHER INFORMATION CONTACT:** Ron Fisher, Office of Planning and Environment, telephone (202) 366-4033. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Section 3011 of SAFETEA-LU made a number of changes to 49 U.S.C. 5309, which authorizes the Federal Transit Administration's (FTA) fixed guideway capital investment program known as "New Starts," and created a new program category known as "Small Starts." This notice announces the availability of FTA's Proposed Guidance on New and Small Starts Policies and Procedures and requests your comment as described below. The document is available in the docket, which can be accessed by going to <http://regulations.gov> at any time, or you can view the document on FTA's Web site at [http://www.fta.dot.gov/planning/newstarts/planning\\_environment\\_5615.html](http://www.fta.dot.gov/planning/newstarts/planning_environment_5615.html).

*A. Proposed Changes for the New and Small Starts Program*

The purpose of this policy guidance is to solicit comments on the policies and procedures for the New and Small Starts programs. The changes, once announced as final, will apply to all New and Small Starts submittals received after the effective date announced in the Notice of Availability published in the **Federal Register** for the Final Guidance. FTA proposes minor changes to its ratings by introducing a rating for reliability, which could affect the project justification rating. FTA proposes this change to honor the spirit of SAFETEA-LU, which established this new criterion for project justification, while refraining from making the more significant changes in SAFETEA-LU that are appropriate for rulemaking. Other changes proposed will support FTA's efforts to streamline studies for projects seeking New and Small Starts funding. They include an initiation package for alternatives analysis, an easing of the eligibility requirements for the Small Starts program, and documentation of the uncertainties in

the predictions of capital costs and ridership. It is this last proposed provision that is expected to have the greatest impact on expediting FTA reviews, as a more explicit representation of project uncertainties should facilitate communication between FTA and project sponsors over capital cost and ridership uncertainties. FTA also proposes that its ratings include additional attention to the adequacy of the local financial commitment for ongoing recapitalization of the existing transit system. Finally, FTA proposes to allow review and comment by contractors of information submitted for the Before and After Study so that their roles can be accurately portrayed.

Comments received will be used to develop the ratings, evaluations, and procedures for projects seeking funds from the New and Small Starts programs, and will be issued in June 2008. FTA will respond to comments received in response to this Notice in a second **Federal Register** notice to be published after the close of the comment period. The notice will announce the availability of the Reporting Instructions for the section 5309 New Starts Criteria and the Interim Guidance for Small Starts, reflecting the changes implemented as a result of this policy guidance and comments received thereon.

Issued in Washington, DC this 9th day April 2008.

**James S. Simpson,**  
Administrator.

[FR Doc. E8-8463 Filed 4-17-08; 8:45 am]

**BILLING CODE 4910-57-P**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD-2008 0035]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *FABIOLA II*.

**SUMMARY:** As authorized by Pub. L. 105-383 and Pub. L. 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is

listed below. The complete application is given in DOT docket MARAD-2008 0035 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before May 19, 2008.

**ADDRESSES:** Comments should refer to docket number MARAD-2008 0035. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel *FABIOLA II* is:

*Intended Use:* "limited charter."  
*Geographic Region:* "Maryland, Maine, Florida & Rhode Island."

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, 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; Pages 19477-78).

Dated: April 10, 2008.

By order of the Maritime Administrator.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E8-8431 Filed 4-17-08; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Federal Motor Vehicle Motor Theft Prevention Standard; General Motors Corporation

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

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the petition of General Motors Corporation (GM) for an exemption in accordance with § 543.9(c)(2) of 49 CFR Part 543, *Exemption from the Theft Prevention Standard*, for the Chevrolet Equinox vehicle line beginning with model year (MY) 2009. 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.

**DATES:** The exemption granted by this notice is effective beginning with model year (MY) 2009.

**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 phone number is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTARY INFORMATION:** In a petition dated January 11, 2008, GM requested an exemption from the parts-marking requirements of the theft prevention standard (49 CFR Part 541) for the Chevrolet Equinox vehicle line beginning with MY 2009. The petition requested an exemption from parts-marking pursuant to 49 CFR 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 of its vehicle lines per year. GM'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.

GM's petition provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new vehicle line. GM will install its passive, transponder-based, electronic immobilizer device as standard equipment on its Chevrolet Equinox vehicle line beginning with MY 2009. GM stated that the device will provide protection against unauthorized use (i.e., starting and engine fueling), but will not provide any visible or audible indication of unauthorized vehicle entry (i.e., flashing lights or horn alarm).

GM stated that it will install the PASS-Key III+ on its MY 2009 Chevrolet Equinox vehicle line. The PASS-Key III+ device is designed to be active at all times without direct intervention by the vehicle operator. The system is fully armed immediately after the ignition has been turned off and the key removed. The system will provide protection against unauthorized starting and fueling of the vehicle engine. Components of the antitheft device include an electronically coded ignition key, a PASS-Key III+ controller module and an engine control module. The ignition key contains electronics molded into the key head. These electronics receive energy and data from the control module. Upon receipt of the data, the key will calculate a response to the data using secret information and an internal encryption algorithm, and transmit the response back to the vehicle. The controller module translates the radio frequency signal received from the key into a digital signal and compares the received response to an internally calculated value. If the values match, the key is recognized as valid and the vehicle can be operated.

GM indicated that the theft rates, as reported by the Federal Bureau of Investigation's National Crime Information Center (NCIC), are lower for GM models equipped with the "PASS-Key"-like systems which have exemptions from the parts-marking requirements of 49 CFR Part 541, than the theft rates for earlier, similarly constructed models which were parts-marked. Based on the performance of the PASS-Key, PASS-Key II, and PASS-Key III systems on other GM models, and the advanced technology utilized by

the modification, GM believes that the PASS-Key III+ antitheft device will be more effective in deterring theft than the parts-marking requirements of 49 CFR Part 541.

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

GM stated that the PASS-Key III+ system has been designed to enhance the functionality and theft protection provided by GM's first, second, and third generation PASS-Key, PASS-Key II, and PASS-Key III systems.

GM compared the device proposed for its vehicle line with other devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. GM stated that the reduction in theft rates for the Chevrolet Camaro and the Pontiac Firebird models equipped with a passive theft-deterrent system ("PASS-Key") without an alarm, GM finds that the lack of an alarm or attention attracting device does not compromise the theft deterrent performance of a system such as PASS-Key III+. The agency agrees that the device is substantially similar to devices for which the agency has previously approved exemptions.

Based on comparison of the reduction in the theft rates of GM vehicles using a passive theft deterrent device with an audible/visible alarm system to the reduction in theft rates for GM vehicle models equipped with a passive antitheft device without an alarm, GM finds that the lack of an alarm or attention attracting device does not compromise the theft deterrent performance of a system such as PASS-Key III+.

GM's proposed device, as well as other comparable devices that have received full exemptions from the parts-marking requirements, lack an audible or visible alarm. Therefore, these devices cannot perform one of the functions listed in 49 CFR Part 543.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle. However, theft data have indicated a decline in theft rates for vehicle lines that have been equipped with devices similar to that which GM proposes. In these instances, the agency has concluded that the lack of a visual