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 system 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 and have trillions of 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 antitheft 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 the Outlander vehicle line was first equipped with the proposed device beginning with it's MY 2007 vehicles. Additionally, Mitsubishi informed the agency that its Eclipse vehicle line has been equipped with the device beginning with it's MY 2000 vehicles. Mitsubishi stated that the theft rate for the MY 2000 Eclipse decreased by almost 42% when compared with that of it's MY 1999 Mitsubishi Eclipse (unequipped with an immobilizer device). Mitsubishi also revealed that the Galant and Endeavor vehicle lines have been equipped with a similar type of immobilizer device since January and April 2004 respectively. The Mitsubishi Galant and Endeavor vehicle lines were both granted parts-marking exemptions by the agency and the average theft rates using 3 MY's data is 4.4173 and 2.9564 respectively. Therefore, Mitsubishi has concluded that the antitheft 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 evidence submitted by Mitsubishi, the agency believes that the antitheft device for the Outlander 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.

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 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 Mitsubishi has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mitsubishi provided about its device.

The agency concludes that the device will provide the five types of Performance listed in § 543.6(a)(3): promoting activation; attract attention to the efforts of an unauthorized person to enter or move 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.

For the foregoing reasons, the agency hereby grants in full Mitsubishi's petition for exemption for the Outlander 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 Mitsubishi decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, 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 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: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2108 Filed 1–30–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition To Modify an Exemption of a Previously Approved Antitheft Device; General Motors Corporation

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

ACTION: Notice; Grant of Petition.

SUMMARY: On May 15, 1995, the National Highway Traffic Safety Administration (NHTSA) granted in full General Motors Corporation's (GM) petition for an exemption in accordance with § 543.9(c)(2) of 49 CFR part 543, *Exemption from the Theft Prevention Standard* for the Buick Regal vehicle line (subsequently renamed LaCrosse). On July 27, 2004, the agency granted GM's first petition to modify its exemption. On September 25, 2008, GM submitted a second petition to modify its previously approved exemption for the Buick Regal/LaCrosse vehicle line beginning with model year (MY) 2010. NHTSA is granting GM's second 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) 2010.

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

SUPPLEMENTARY INFORMATION: On May 15, 1995, NHTSA published in the **Federal Register** a notice granting in full a petition from GM for an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR 541) for the Buick Regal vehicle line beginning with its MY 1996 vehicles. The Buick Regal was equipped with the PASS-Key II antitheft device (See 69 FR 44724).

On July 27, 2004 (see 69 FR 44724), the agency granted a petition for modification of the previously granted exemption for the Buick Regal/LaCrosse vehicle line beginning with its MY 2005 vehicles. The notice also acknowledged that the nameplate for the Buick Regal would be changed to Buick LaCrosse. On September 25, 2008, GM submitted a second petition to modify the previously approved exemption for the Buick LaCrosse vehicle line. This notice grants in full GM's second petition to modify the exemption for the Buick LaCrosse vehicle line. GM'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. GM'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 2010 model year.

The MY 1996 antitheft device (PASS-Key II) installed on the Buick Regal/LaCrosse was a passively activated, transponder-based, electronic immobilizer system. GM stated that, in the PASS-Key II device, the key resistance was determined by a microprocessor, and the key information was monitored for the duration of a valid ignition cycle. Additionally, a security indicator would illuminate continuously directing the operator to have the vehicle serviced if ''fail enabled'' conditions (i.e., vehicle does not start with the proper key because of a dirty or contaminated resistor pellet) arose. If a fault was detected, future ignition cycles would not be allowed regardless of key authorization.

GM stated that the current PASS-Key III antitheft device (MY 2004 modification) installed on the Buick Regal vehicle line provides protection against unauthorized starting and fueling of the vehicle engine. The antitheft device is designed to be active at all times without direct intervention by the vehicle operator, and so that no specific or discrete security system action is necessary to achieve protection of the device. The device is fully armed immediately after the vehicle has been turned off and the key has been removed. GM also stated that the PASS-Key III device utilizes a special ignition key and decoder module. The mechanical code of the key unlocks and releases the transmission lever. The vehicle can only be operated when the key's electrical code is sensed by the key cylinder and properly decoded by the controller module.

The ignition key contains electronics in the key head that receive energy from the controller module. Upon receipt of the data from the controller module, the key transmits a unique code through low frequency transmission. The controller module translates the received signal from the key into a digital signal which is transmitted to the body control module (BCM). The received signal is compared to an internally stored value by the BCM. If the values match, the key is recognized as valid and a vehicle security password is transmitted through data link to the engine control module to enable fuel and starting of the vehicle.

In its second modification, GM stated that it proposes to install its Buick LaCrosse vehicle line with its PASS-Key III+ antitheft device beginning with its MY 2010 vehicles. The PASS-Key III+ is also a transponder based electronic immobilizer system. It is designed to be active at all times without direct intervention by the vehicle operator. The antitheft device is fully armed immediately after the ignition has been turned off and the key removed. The device will continue to 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).

Components of the modified antitheft device include an electronically-coded ignition key, a PASS-Key III+ controller module and a powertrain control module. Unlike the ignition key used with the PASS-Key and PASS-Key II devices, the PASS-Key III and PASS-Key III+ ignition key contains electronics embedded within the head of the key.

GM states that the PASS-Key III+ utilizes an encryption process. The electronics embedded within the head of the key 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 one of 65,534 ''Vehicle Security Passwords'' is transmitted to enable fuel and starting.

The PASS-Key III and PASS-Key III+ device use billions of electrical key codes which varies with every ignition cycle, while the PASS-Key II has code combinations that never varies at each ignition cycle. In the PASS-Key III+, each key is uniquely coded and the vehicle can be programmed to operate with up to ten different codes, compared to the PASS-Key and PASS-Key II devices that only allow a vehicle to recognize a single unique code. The PASS-Key III+ device uses an encrypted code while the codes for the PASS-Key, PASS-Key II and PASS-Key III devices use a fixed code.

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 MY 2010 antitheft device will be more effective in deterring theft than the parts-marking requirements of 49 CFR part 541.

GM stated that the theft rates for the 2003 and 2004 Cadillac CTS and the MY 2004 Cadillac SRX currently installed with the PASS-Key III+ antitheft device exhibit theft rates that are lower than the median theft rate (3.5826) established by the agency. The Cadillac CTS introduced as a MY 2003 vehicle line has been equipped with the PASS-Key III+ device since the start of production. The theft rates for the MY 2003 and 2004 Cadillac CTS are 1.0108 and 0.7681 respectively. Similarly, the Cadillac SRX introduced as a MY 2004 vehicle has been equipped with the PASS-Key III+ device since production.

The theft rate for MY 2004 Cadillac SRX is 0.7789. GM stated that the theft rates experienced by these lines with installation of the PASS-Key III+ device demonstrate the effectiveness of the device. The agency agrees that the device is substantially similar to devices for which the agency has previously approved exemptions.

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. 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+. In past petitions, the agency has concluded that the lack of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft.

On the basis of this comparison, GM believes that the antitheft device (PASS-Key III+) for model years 2010 and later will provide essentially the same functions and features as found on its MY 2005–2009 PASS-Key III device and therefore, its modified device will provide at least the same level of theft prevention as parts-marking. GM believes that the antitheft device proposed for installation on its MY 2010 Buick LaCrosse is likely to be as effective in reducing thefts as compliance with the parts marking requirements of part 541.

In addressing the specific content requirements of part 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 a detailed list of the tests conducted and believes that the device is reliable and durable since it complied with the specified requirements for each test. GM also stated that since the authorization code is not handled or contacted by the vehicle operator, the reliability of the PASS-Key III+ is significantly improved over the PASS-Key and PASS-Key II devices. This reliability allows the system to return to the ''Go/No Go'' based system, eliminating the ''fail enabled'' mode of operation.

The agency has evaluated GM's MY 2010 petition to modify the exemption for the Buick LaCrosse vehicle line from the parts-marking requirements of 49 CFR part 541, and has decided to grant it. It has determined that the PASS-Key III+ system is likely to be as effective as parts-marking in preventing and deterring theft of these vehicles, and therefore qualifies for an exemption under 49 CFR part 543. 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 GM 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: January 27, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi Motors

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 (Mitsubishi) petition for exemption of the Mitsubishi Lancer 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). Mitsubishi requested confidential treatment for some of the information and attachments it submitted in support of 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 2010 model year.

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) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated September 26, 2008, Mitsubishi requested exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541) for the Mitsubishi Lancer vehicle line beginning with MY 2010. 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 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 Lancer vehicle line. Mitsubishi will install a passive, transponder-based, electronic engine immobilizer device as standard equipment on its Lancer vehicle line beginning with MY 2010. Features of the antitheft device will include an electronic key, electronic control unit (ECU), and a passive immobilizer. Mitsubishi will also incorporate an alarm system as standard equipment on all Lancer models, except for the DE models, which will offer an optional alarm system. However, based on the declining theft rate experience of other vehicles equipped with devices that do not have an audio or visual alarm for which NHTSA has already exempted from the parts-marking requirements, the agency has concluded that the absence of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft. Mitsubishi's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements