

November 2011 session of the UNCITRAL ODR Working Group as well as planning for the next session of that Working Group, scheduled for May 28 through June 1, 2012 in New York City.

The UNCITRAL ODR Working Group is charged with the development of legal instruments for resolving both business to business and business to consumer cross-border electronic commerce disputes. The Working Group has been considering, inter alia, ODR procedural rules for resolution of cross-border electronic commerce disputes.

For the report of the first three sessions of the UNCITRAL ODR Working Group—December 13–17, 2010 in Vienna (A/CN.9/716); May 23–27, 2011 in New York (A/CN.9/721); and November 14–18, 2011 in Vienna (A/CN.9/739)—please follow the following link: [http://www.uncitral.org/uncitral/commission/working\\_groups/3Online\\_Dispute\\_Resolution.html](http://www.uncitral.org/uncitral/commission/working_groups/3Online_Dispute_Resolution.html)

**Time and Place:** The public meeting will take place at the Office of Private International Law, Department of State, Washington, DC in the second floor conference room, Room 240, State Annex 4, South Building, Navy Hill. Participants should appear by 9:30 a.m. at the 23rd and D Street, NW, gate to the Navy Hill compound, so that you can be escorted to the office. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

**Public Participation:** This study group meeting is open to the public, subject to the capacity of the meeting room. Access to the building is controlled; persons wishing to attend should contact Tricia Smeltzer or Niesha Toms of the Office of Private International Law at [SmeltzerTK@state.gov](mailto:SmeltzerTK@state.gov) or [TomsNN@state.gov](mailto:TomsNN@state.gov) and provide your name, address, date of birth, citizenship, driver's license or passport number, email address, and mailing address to get admission into the meeting. Persons who cannot attend but who wish to comment are welcome to do so by email to Michael Dennis at [DennisMJ@state.gov](mailto:DennisMJ@state.gov). A member of the public needing reasonable accommodation should advise those same contacts not later than January 13th. Requests made after that date will be considered, but might not be able to be fulfilled. If you are unable to attend the public meeting and you would like to participate by teleconferencing, please contact Tricia Smeltzer (202) 776-8423 or Niesha Toms at (202) 776-8420 to receive the conference call-in number and the relevant information.

Dated: January 6, 2012.

**Michael Dennis,**

*Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.*

[FR Doc. 2012-490 Filed 1-11-12; 8:45 am]

**BILLING CODE 4710-28-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: In the Vicinity of the City and Borough of Juneau, AK

**AGENCY:** Alaska Department of Transportation and Public Facilities (DOT&PF), Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA, in cooperation with DOT&PF, will prepare a supplemental environmental impact statement (SEIS) for Juneau Access Improvements, a project to improve surface transportation to and from Juneau within the Lynn Canal corridor.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tim Haugh, Environmental Program Manager, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802-1648; office hours 6 a.m. to 3:30 p.m. (AST), phone (907) 586-7430; email [Tim.Haugh@dot.gov](mailto:Tim.Haugh@dot.gov). You may also contact Mr. Reuben Yost, DOT&PF Project Manager, Alaska Department of Transportation and Public Facilities, 6860 Glacier Highway, P.O. Box 112506, Juneau, Alaska 99811-2506; office hours 8:30 a.m. to 5 p.m. (AST), phone (907) 465-1774.

**SUPPLEMENTARY INFORMATION:** A final environmental impact statement (FEIS) for this project was released on January 18, 2006, and a Record of Decision was approved on April 3, 2006. However, on February 13, 2009, the United States District Court for Alaska determined the FEIS was invalid and vacated the ROD. The SEIS will therefore evaluate a new alternative of improved ferry service using existing assets, as was determined reasonable by the Court. The SEIS will also address any new issues identified and update FEIS alternatives and topics.

The purpose for the project remains the same: to improve surface transportation to and from Juneau within the Lynn Canal corridor to provide travel flexibility, capacity to meet demand, and greater travel opportunity while reducing travel time, state costs, and user costs. In addition to the court ordered alternative, the SEIS will also update the reasonable alternatives evaluated in the FEIS.

These include the No Action Alternative (Alternative 1), the East Lynn Highway to Katzehin with Shuttles to Haines and Skagway (Alternative 2B), the West Lynn Canal Highway (Alternative 3), and four primary marine alternatives that would construct new ferries (Alternatives 4A–D). Two of the marine alternatives include a short road extension and a new ferry terminal (Alternatives 4B and 4D).

FHWA anticipates a focused scoping effort prior to commencement of SEIS studies. Letters describing the SEIS process and requesting comments will be sent to appropriate federal, state, and local agencies. Meetings will be held with all Cooperating Agencies and other agencies, as requested. Newspaper notices, newsletters, and Web site postings will explain the SEIS process, describe the new alternative, detail the topics anticipated to be addressed, and request public comments.

Public hearings will be held in Juneau, Haines, Skagway, and Sitka following publication of the draft SEIS. Notice of the hearings and availability of the document will be published in the **Federal Register**, the Juneau Empire, the Chilkat Valley News, the Skagway News, the Sitka Sentinel, and the Anchorage Daily News. Comments or questions concerning the project and the SEIS should be directed to the FHWA or DOT&PF at the addresses provided.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: January 3, 2012.

**David C. Miller,**

*Division Administrator, Juneau, Alaska.*

[FR Doc. 2012-408 Filed 1-11-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Vehicle Theft Prevention Standard; Fuji Heavy Industries U.S.A., Inc.

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

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

**SUMMARY:** This document grants in full the Fuji Heavy Industries U.S.A., Inc.'s (FUSA's) petition for exemption of the Subaru [confidential] 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, *Federal Motor Vehicle Theft Prevention Standard*. FUSA requested confidential treatment for specific information in its petition. The agency will address FUSA's request for confidential treatment by separate letter.

**DATES:** The exemption 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 Standards, NHTSA, W43-439, 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 October 25, 2011, FUSA requested an exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541) for the Subaru [confidential] vehicle line, beginning with the 2013 MY. The petition has been filed pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one vehicle line per model year. In its petition, FUSA provided a detailed description and diagram of the identity, design and location of the components of the antitheft device for the Subaru [confidential] vehicle line. FUSA stated that all Subaru [confidential] vehicles will be equipped with a passive, transponder-based electronic immobilizer device as standard equipment. FUSA stated that the antitheft device and the immobilization features are constructed and designed within the vehicle's Controller Area Network electrical architecture. Major components of the antitheft device will include a transponder, a passive immobilizer system, a key ring antenna, engine control unit and a meter engine control unit. FUSA stated that system immobilization is automatically activated when the key is removed from the vehicle's ignition switch, or after 30 seconds if the ignition is simply moved to the off position and the key is not removed. The device will also include

a visible and audible alarm, and panic mode feature. The alarm system will monitor door status and key identification. Unauthorized opening of a door will activate the alarm system causing sounding of the horn and flashing of the hazard lamps. FUSA'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.

In addressing the specific content requirements of 543.6, FUSA provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, FUSA conducted tests based on its own specified standards and provided a list of information of the tests it conducted. FUSA believes that its device is reliable and durable because the device complied with its own specific requirements for each test. Additionally, FUSA stated that since the immobilization features are designed and constructed within the vehicle's overall Controller Area Network Electrical Architecture, the antitheft device cannot be separated and controlled independently from this network.

FUSA stated that it believes that historically, NHTSA has seen a decreasing theft rate trend when electronic immobilization has been added to alarm systems. FUSA stated that it presently has immobilizer devices on all of its product lines (Forester, Tribeca, Impreza, Legacy and Outback models) and it believes the data show immobilization has had a demonstrable effect in lowering its theft rates. Review of the theft rates published by the agency for Subaru vehicles from model years (MYs) 2007-2009 revealed that while there is some variation, the theft rates for Subaru vehicles have on average remained below the median theft rate of 3.5826. Specifically, the agency's theft rate data for the Subaru Tribeca, Forester, Impreza, Legacy and Outback vehicle lines using an average of 3 MYs' data is 0.4396, 0.5677, 0.9135, 0.7681 and 0.4394 respectively.

FUSA also provided a comparative table showing how its device is similar to other manufacturers' devices that have already been granted an exemption by NHTSA. In its comparison, FUSA makes note of Federal Notices published by NHTSA in which manufacturers have stated that they have seen reductions in theft due to the immobilization systems being used. Specifically, FUSA notes claims by Ford Motor Company that its 1997 Mustangs with immobilizers saw a 70% reduction

in theft compared to its 1995 Mustangs without immobilizers. FUSA also noted its reliance on theft rates published by the agency which showed that theft rates were lower for Jeep Grand Cherokee immobilizer equipped vehicles (model year 1999 through 2003) compared to older parts-marked Jeep Grand Cherokee vehicles (model year 1995 and 1998). FUSA stated that it believes that these comparisons show that its device is no less effective than those installed on lines for which the agency has already granted full exemption from the parts-marking requirements.

The agency agrees that the device is substantially similar to devices in other vehicle lines for which the agency has already granted exemptions. Based on the evidence submitted by FUSA, the agency believes that the antitheft device for the Subaru [confidential] 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).

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

For the foregoing reasons, the agency hereby grants in full FUSA's petition for exemption for the 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 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 anti-theft 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 FUSA 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 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if FUSA 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 anti-theft 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 anti-theft 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 6, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2012-454 Filed 1-11-12; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2011-0328; Notice No. 11-15]

#### Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Safety Advisory Notice.

**SUMMARY:** This is to notify the public that PHMSA has confirmed that Spears Fire & Safety, 287 Jackson Plaza, Ann Arbor, MI improperly requalified and marked high pressure compressed gas cylinders. During a recent investigation, PHMSA determined that between November 2008 and October 2011, Spears Fire & Safety requalified and marked with a Requalifier Identification Number (RIN) "B037" approximately 7,740 DOT specification cylinders after its authority to requalify high pressure cylinders expired on October 31, 2008. Additionally the investigation revealed that during this period, Spears Fire & Safety (1) failed to condemn cylinders with a permanent expansion greater than 10% of total expansion, (2) on multiple occasions did not maintain the minimum test pressure for the required time and (3) improperly repeated pressure tests on cylinders required to be condemned. Cylinders that have not been properly requalified and marked in accordance with the HMR may not be filled with compressed gas or other hazardous material.

**FOR FURTHER INFORMATION CONTACT:** Spears Fire & Safety, Mr. Robert Pate, Manager, 287 Jackson Plaza, Ann Arbor, MI, Telephone (734) 633-4133.

**SUPPLEMENTARY INFORMATION:** PHMSA has recently confirmed that Spears Fire & Safety continued to requalify and mark high pressure cylinders after their authority to requalify cylinders had expired. Spears Fire & Safety's authority to requalify cylinders expired on October 31, 2008 and failed to seek renewal of its authority from the Associate Administrator. However, Spears Fire & Safety continued to requalify cylinders for a period of time up to and including October 14, 2011. The investigation also revealed that Spears Fire & Safety (1) failed to condemn cylinders with a permanent expansion greater than 10% of total expansion (2) on multiple occasions, did not maintain test pressure for the required time period, and (3) performed multiple repeat pressure tests on a cylinder with a permanent expansion

greater than 10% of total expansion. Because Spears Fire & Safety improperly pressure tested and marked high pressure cylinders that were required to be condemned, PHMSA questions the condition of all of the cylinders requalified, marked and returned to service by Spears Fire & Safety between November 2008 and October 2011 (approximately 7,740 cylinders). The cylinders in question were marked with Spears Fire & Safety's RIN "B037". The markings appear in the following pattern:

B0  
M Y  
73

Where B037 is Spears Fire & Safety's RIN, M is the month of the retest (e.g. 10) and Y is the year of the retest (e.g. 11). Anyone who identifies a cylinder marked with the RIN "B037" and a test date after October 2008, are advised to remove these cylinders from service and contact Spears Fire & Safety, Ann Arbor, MI for further instructions.

Issued in Washington, DC, on December 29, 2011.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 2012-394 Filed 1-11-12; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 33 (Sub-No. 299X)]

#### Union Pacific Railroad Company—Discontinuance of Service Exemption—in Pittsburg, Hughes, and Seminole Counties, OK

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over a portion of a line of railroad known as the Shawnee Branch Line, between milepost 428.00, near Seminole, and milepost 370.5, near McAlester, a distance of 57.69 miles,<sup>1</sup> in Pittsburg, Hughes, and Seminole Counties, Okla. (the line). The line traverses United States Postal Service Zip Codes 74501, 74570, 74531, 74848, 74884, and 74868.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; and (3) no formal

<sup>1</sup> UP notes a milepost equation of 402.78 = 402.59 in Hughes County, which makes the line 0.19 miles longer than the terminal mileposts would otherwise indicate.