

Executive Order 13132, Federalism

In accordance with Executive Order 13132, the BLM finds that the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The final rule does not have substantial direct effects on the States, on the relationship between the national governments and the States, or the distribution of power and the responsibilities among the various levels of government. This final rule does not preempt State law.

Executive Order 12988, Civil Justice Reform

This final rule is a purely administrative regulatory action having no effects upon the public and will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with the Executive Order 13175, the BLM finds that the rule does not include policies that have tribal implications. This final rule is a purely an administrative action having no effects upon the public or the environment, imposing no costs, and merely updating the BLM, Arizona State Office address included in the Code of Federal Regulations.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

In accordance with the Executive Order 13211, the BLM has determined that the final rule will not have substantial direct effects on the energy supply, distribution or use, including a shortfall in supply or price increase. This final rule is a purely administrative action and has no implications under Executive Order 13211.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Author

The principal author of this rule is Diane O. Williams, Regulatory Affairs Group (WO 630).

List of Subjects in 43 CFR Part 1820

Administrative practice and procedure; Archives and records; Public lands.

Dated: October 28, 2005.

Chad Calvert,

Acting Assistant Secretary, Land and Minerals Management.

■ For the reasons discussed in the preamble, the Bureau of Land Management amends 43 CFR part 1820 as follows:

PART 1820—APPLICATION PROCEDURES

■ 1. The authority citation for part 1820 continues to read as follows:

Authority: 5 U.S.C. 552, 43 U.S.C. 2, 1201, 1733, and 1740.

Subpart 1821—General Information

■ 2. Amend section 1821.10 by amending paragraph (a) by revising the location and address of the Bureau of Land Management State Office in Arizona to read as follows:

§ 1821.10 Where are BLM offices located?

(a) * * *

STATE OFFICES AND AREAS OF JURISDICTION

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Arizona State Office, One North Central Avenue, Phoenix, Arizona 85004-2203—Arizona.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 541, 543, and 545

[Docket No. NHTSA-05-21233; Notice 2]

Federal Motor Vehicle Theft Prevention Standard

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

ACTION: Denial of petition for reconsideration.

SUMMARY: This document denies a petition for reconsideration of the agency's newly expanded parts marking requirements. The Anti Car Theft Act of 1992 required NHTSA to conduct a rulemaking to extend the parts marking requirements of that Standard to all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less regardless of theft rate, unless the Attorney General found that such a requirement would not substantially

inhibit chop shop operations and motor vehicle thefts. The initial final rule extending the parts marking requirement was published in April of 2004. In May 2005, NHTSA responded to petitions for reconsideration of the April 2004 final rule and established a phase in schedule for the new requirements. We also decided to exclude vehicle lines with annual production of not more than 3,500 vehicles from the parts marking requirements because the benefits of marking these vehicle lines would be trivial or of no value.

The agency received a petition for reconsideration of the May 2005 final rule from International Association of Auto Theft Investigators. The petition asked the agency to reconsider the phase-in and small volume exclusion as it applied to large volume vehicle manufacturers. This document denies that petition because it did not provide sufficient information in support of their request to reconsider the May 2005 final rule.

FOR FURTHER INFORMATION CONTACT: For technical and policy issues, you may call Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, (Telephone: 202-366-0846) (Fax: 202-493-2290).

For legal issues, you may call George Feygin, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

SUPPLEMENTARY INFORMATION: On April 6, 2004, the agency published a final rule extending the anti-theft parts marking requirements (Part 541) to (1) all below median theft rate passenger cars and multipurpose passenger vehicles (MPVs) that have a gross vehicle weight rating (GVWR) of 6,000 pounds or less, and (2) all below median theft rate light duty trucks with a GVWR of 6,000 pounds or less and major parts that are interchangeable with a majority of the covered major parts of passenger cars or MPVs subject to the parts marking requirements.¹ (69 FR 17960) The Anti Car Theft Act of 1992 required this final rule unless the Attorney General made a finding that the extension would not substantially inhibit chop shop operations and motor vehicle thefts. The final rule is effective September 1, 2006.

On May 19, 2005, the agency published a final rule responding to petitions for reconsideration of the 2004

¹ Above median theft rate LDTs are still subject to the parts marking requirements. Below median theft rate LDTs which do not have major parts that are interchangeable are not subject to the requirements.

final rule.² Among other things, the May 2005 final rule excluded vehicle lines with annual production of not more than 3,500 vehicles from parts marking requirements because the benefits of marking these vehicle lines would be trivial or of no value. This exclusion applies to all vehicle manufacturers regardless of overall production volume. We also adopted a phase-in of the new parts marking requirements over a two-year period. Specifically, car lines representing not less than 50% of a manufacturer's production of vehicle lines that were not subject to parts marking requirements before September 1, 2006, must be marked effective September 1, 2006. The remaining vehicle lines must be marked effective September 1, 2007. Vehicle lines already subject to parts marking requirements are unaffected by this phase-in.

² See 70 FR 28843, Docket No. NHTSA-2005-21233.

The agency received a petition for reconsideration of the May 2005 final rule, from the International Association of Auto Theft Investigators. The petition asked the agency to reconsider the phase-in and the small volume exemption.

With regard to the phase-in, the petitioner provided no argument on why the agency should reconsider the phase-in. In deciding to adopt the phase-in, the agency balanced the benefits of parts marking against the practical burdens associated with implementing the expansion of parts marking. The agency decided to adopt the phase-in because the expanded time frame eliminates any argument about the practicability of expanding parts marking. The petitioner stated their objection to the phase-in, but provided no information indicating that the expansion would be practicable without it.

With regard to the small volume exemption, the petitioner argues that this is a "Small Business Exemption,"

and that allowing large companies to claim such an exemption was not the intent of Congress. The agency's decision to exclude small volume vehicle lines was not based on the size of the manufacturer. Instead, the agency's decision was based on an analysis that the benefits of marking small volume vehicle lines would be *de minimis*. The petitioner provided no explanation as to why this analysis was incorrect.

For these reasons, the agency is denying the International Association of Auto Theft Investigators' petition. In accordance with 49 CFR part 553, this completes the agency review of the petition for reconsideration.

Issued on: November 10, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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