

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 231A and by adding Channel 279A at Mount Enterprise.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 541

[Docket No. NHTSA-2009-0061]

RIN 2127-AK47

#### Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2010 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2010

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

**ACTION:** Final rule.

**SUMMARY:** This final rule announces NHTSA's determination that there are no new model year (MY) 2010 light duty

truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard because they have been determined by the agency to be high-theft or because they have a majority of interchangeable parts with those of a passenger motor vehicle line. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria.

**DATES:** *Effective Date:* This final rule is effective June 24, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New Jersey Avenue, SE., (NVS-131, Room W43-302) Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-0073.

**SUPPLEMENTARY INFORMATION:** The theft prevention standard applies to: (1) All passenger car lines; (2) all multipurpose passenger vehicle (MPV) lines with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; (3) low-theft light-duty truck (LDT) lines with a GVWR of 6,000 pounds or less that have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines; and (4) high-theft light-duty truck lines with a GVWR of 6,000 pounds or less.

The purpose of the theft prevention standard (49 CFR Part 541) is to reduce the incidence of motor vehicle theft by facilitating the tracing and recovery of parts from stolen vehicles. The standard seeks to facilitate such tracing by requiring that vehicle identification numbers (VINs), VIN derivative numbers, or other symbols be placed on major component vehicle parts. The theft prevention standard requires motor vehicle manufacturers to inscribe or affix VINs onto covered original equipment major component parts, and to inscribe or affix a symbol identifying the manufacturer and a common symbol identifying the replacement component parts for those original equipment parts, on all vehicle lines subject to the requirements of the standard.

Section 33104(d) provides that once a line has become subject to the theft prevention standard, the line remains subject to the requirements of the standard unless it is exempted under § 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of § 33104, if the line

is equipped with an antitheft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the antitheft device is likely to be as effective as compliance with the theft prevention standard in reducing and deterring motor vehicle thefts.

The agency annually publishes the names of those LDT lines that have been determined to be high theft pursuant to 49 CFR Part 541, those LDT lines that have been determined to have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines and those vehicle lines that are exempted from the theft prevention standard under section 33104. Appendix A to Part 541 identifies those LDT lines that are or will be subject to the theft prevention standard beginning in a given model year. Appendix A-I to Part 541 identifies those vehicle lines that are or have been exempted from the theft prevention standard.

For MY 2010, there are no new LDT lines that will be subject to the theft prevention standard in accordance with the procedures published in 49 CFR Part 542. Therefore, Appendix A does not need to be amended.

For MY 2010, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include nine vehicle lines newly exempted in full. The nine exempted vehicle lines are the Dodge Journey, GMC Terrain, Mazda Tribute, Mercury Mariner, Mitsubishi Lancer, Nissan Murano, Porsche Panamera, Subaru Outback and Volkswagen Audi A3.

We note that the agency removes from the list being published in the **Federal Register** each year certain vehicles lines that have been discontinued more than 5 years ago. Therefore, the Chrysler Conquest, Cadillac STS/Seville, Mitsubishi Diamante, Infiniti I30, J30, M30, QX4, and the Volkswagen Cabrio have been removed from the Appendix A-I listing. The agency will continue to maintain a comprehensive database of all exemptions on our web site. However, we believe that re-publishing a list containing vehicle lines that have not been in production for a considerable period of time is unnecessary.

The vehicle lines listed as being exempt from the standard have previously been exempted in accordance with the procedures of 49 CFR Part 543 and 49 U.S.C., 33106. Therefore, NHTSA finds for good cause that notice and opportunity for comment on these listings are unnecessary. Further, public comment

on the listing of selections and exemptions is not contemplated by 49 U.S.C. Chapter 331. For the same reasons, since this revised listing only informs the public of previous agency actions and does not impose additional obligations on any party, NHTSA finds for good cause that the amendment made by this notice should be effective as soon as it is published in the **Federal Register**.

**Regulatory Impacts**

A. Executive Order 12866 and DOT Regulatory Policies and Procedures Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This final rule was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. It will not impose any new burdens on vehicle manufacturers. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency no new costs or burdens will result.

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires agencies to evaluate the potential effects of their rules on small businesses, small organizations and small governmental jurisdictions. I have considered the effects of this rulemaking action under the Regulatory Flexibility Act and certify that it would not have a significant economic impact on a

substantial number of small entities. As noted above, the effect of this final rule is only to inform the public of agency's previous actions.

**C. National Environmental Policy Act**

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment. Accordingly, no environmental assessment is required.

**D. Executive Order 13132 (Federalism)**

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement.

**E. Unfunded Mandates Act**

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (\$120.7 million as adjusted annually for inflation with base year of 1995). The assessment may be combined with other assessments, as it is here.

This final rule will not result in expenditures by State, local or tribal governments or automobile manufacturers and/or their suppliers of more than \$120.7 million annually. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency, no new costs or burdens will result.

**F. Executive Order 12988 (Civil Justice Reform)**

Pursuant to Executive Order 12988, "Civil Justice Reform,"<sup>1</sup> the agency has considered whether this final rule has any retroactive effect. We conclude that it would not have such an effect. In accordance with § 33118 when the Theft Prevention Standard is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49

U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

**G. Paperwork Reduction Act**

The Department of Transportation has not submitted an information collection request to OMB for review and clearance under the Paperwork Reduction Act of 1995 (Pub.L. 104-13, 44 U.S.C. Chapter 35). This rule does not impose any new information collection requirements on manufacturers.

**List of Subjects in 49 CFR Part 541**

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, 49 CFR Part 541 is amended as follows:

**PART 541—[AMENDED]**

■ 1. The authority citation for part 541 continues to read as follows:

**Authority:** 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.50.

■ 2. In part 541, Appendix A–I is revised to read as follows:

**APPENDIX A–I TO PART 541—LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543**

Manufacturer	Subject lines
BMW .....	MINI. X5. Z4. 1 Car Line. 3 Car Line. 5 Car Line. 6 Car Line. 7 Car Line.
CHRYSLER ...	300C. Jeep Grand Cherokee. Jeep Wrangler. Town and Country MPV. Dodge Charger. Dodge Challenger. Dodge Journey <sup>1</sup> . Dodge Magnum (2008) <sup>2</sup> .
DAIMLER .....	smart USA for two. SL-Class (the models within this line are): 300SL. 500SL. 600SL. SL500. SL550. SL600. SL55. SL65.

<sup>1</sup> See 61 FR 4729, February 7, 1996.

APPENDIX A-I TO PART 541—LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543—Continued

APPENDIX A-I TO PART 541—LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543—Continued

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 090225239-91023-02]

RIN 0648-AX73

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30B Supplement**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to resolve an error contained in the rule to implement Amendment 30B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) prepared by the Gulf of Mexico Fishery Management Council (Council) that published in the **Federal Register** on November 18, 2008. The error would have implemented a restriction for the Edges seasonal-area closure that was not intended. This final rule establishes the Edges seasonal-area closure consistent with the intent of Amendment 30B.

**DATES:** This final rule is effective July 24, 2009.

**ADDRESSES:** Copies of the final regulatory flexibility analysis (FRFA) for Amendment 30B may be obtained from Peter Hood, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701; telephone 727-824-5305; fax 727-824-5308; e-mail [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Peter Hood, 727-824-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On April 17, 2009, NMFS published a proposed rule to correct an error contained in the rule to implement Amendment 30B and requested public comment (73 FR 17812). The error contained in the Amendment 30B rule would have implemented a longer season for the Edges seasonal-area closure that was not intended and was not supported by Amendment 30B. This final rule corrects that error and establishes the provisions applicable to

Manufacturer	Subject lines	Manufacturer	Subject lines
FORD MOTOR CO.	S-Class/CL-Class (the models within this line are): S450. S500. S550. S600. S55. S65. CL500. CL600. CL55. CL65.	HONDA .....	Acura CL. Acura NSX. Acura RL. Acura TL.
	C-Class/CLK-Class <sup>2</sup> (the models within this line are): C240. C300. C350. CLK 350. CLK 550. CLK 63AMG.	HYUNDAI .....	Azera. Genesis. Axiom. XK.
GENERAL MOTORS.	E-Class/CLS Class (the models within this line are): E320/E320DT CDi. E350/E500/E55. CLS500/CLS55. Escape	ISUZU .....	3. 5. 6. CX-7. CX-9.
	Ford Five-Hundred (2007). Ford Focus. Lincoln Town Car. Mustang.	JAGUAR .....	MX-5 Miata. Millenia. Eclipse. Endeavor. Galant. Lancer <sup>1</sup> .
	Mercury Mariner <sup>1</sup> . Mercury Grand Marquis. Mercury Sable. Taurus. Taurus X.	MAZDA .....	Altima. Maxima. Murano <sup>1</sup> . Pathfinder. Quest. Rogue. Sentra. Versa. Infiniti G35. Infiniti M45. Infiniti Q45. 911. Boxster/Cayman. Panamera <sup>1</sup> .
	Buick Lucerne	NISSAN .....	9-3. Forester. Impreza. B9 Tribeca. Outback <sup>1</sup> . XL-7.
	Buick LeSabre. Buick LaCrosse/Century. Buick Park Avenue (1992-2005). Buick Regal/Century. Cadillac DTS/Deville. Chevrolet Camaro. Chevrolet Cavalier (1997-2005). Chevrolet Classic. Chevrolet Cobalt. Chevrolet Corvette. Chevrolet Equinox. Chevrolet Impala/Monte Carlo.	PORSCHE .....	Lexus ES. Lexus GS. Lexus LS. Lexus SC. Audi 5000S. Audi A31. Audi A4. Audi Allroad. Audi A6. Audi Q5. New Beetle. Golf/Rabbit/GTI/R32. Jetta. Passat.
	Chevrolet Malibu/Malibu Maxx. GMC Terrain <sup>1</sup> . Oldsmobile Alero. Oldsmobile Aurora. Pontiac Bonneville. Pontiac G6. Pontiac Grand Am. Pontiac Grand Prix. Pontiac Sunfire. Saturn Aura.	SAAB .....	
		SUBARU .....	
		SUZUKI .....	
		TOYOTA .....	
		VOLKSWAGEN.	

<sup>1</sup>Granted an exemption from the parts marking requirements beginning with MY 2010.

<sup>2</sup>Nameplate changed to Dodge Challenger beginning with MY 2008.

Issued on: June 15, 2009.

**Stephen R. Kratzke,**  
Associate Administrator for Rulemaking.  
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