

Regulatory Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This rulemaking applies only to two large sources of air emissions used to generate electrical power on Guam. These sources of electrical power will be constructed by an independent power producer which is not a small entity. Therefore, this rulemaking will not impact small entities.

This action has been classified as a Table 3 action for signature by the Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 69

Environmental protection, Air pollution control, Guam.

Dated: August 15, 1997.

Carol Browner,
Administrator.

Part 69 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 69—[AMENDED]

1. The authority citation for part 69 continues to read as follows:

Authority: Sec. 325, Clean Air Act, as amended (42 U.S.C. 7625-1).

2. Section 69.11 is amended by adding paragraph (d) to read as follows:

§ 69.11 New exemptions.

* * * * *

(d)(1) Pursuant to Section 325(a) of the CAA and a petition submitted by the Governor of Guam on February 11, 1997 ("1997 Petition"), the Administrator of EPA conditionally exempts Piti Power Plant Units No. 8 and No. 9 from certain CAA requirements.

(2) A waiver of the requirement to obtain a PSD permit prior to construction is granted for the electric generating units identified in the 1997 Petition as Piti Units No. 8 and No. 9 (two 45 megawatt baseload diesel electric generators and associated waste heat recovery boilers with a steam

generator), with the following conditions:

(i) Piti Units No. 8 and No. 9 shall not operate until final PSD permits are received for these units;

(ii) Piti Units No. 8 and No. 9 shall not operate until they comply with all requirements of their PSD permits, including, if necessary, retrofitting with BACT;

(iii) If either Piti Units No. 8 or No. 9 operate either prior to the issuance of a final PSD permit or without BACT equipment, the Piti Unit(s) shall be deemed in violation of this waiver and the CAA beginning on the date of commencement of construction of the unit(s).

[FR Doc. 97-22061 Filed 8-20-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 97-10; RM-8984 and 9033]

Radio Broadcasting Services; Dodgeville, Mazomanie and Mount Horeb, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document allots Channel 294A to Mount Horeb, Wisconsin, as that community's first local service in response to a petition filed by First Congregational Services. See 62 FR 3653, January 24, 1997. There is a site restriction 9.6 kilometers (6 miles) west of the community. The coordinates for Channel 294A are 42-59-22 and 89-51-12. The counterproposal filed by Shopper Stopper, Ltd. requesting the allotment of Channel 257A at Mazomanie, Wisconsin, and substitution of Channel 294A for Channel 257A at Dodgeville, Wisconsin, is denied. With this action, this proceeding is terminated.

DATES: Effective September 29, 1997. The window period for filing applications for Channel 294A at Mount Horeb, Wisconsin, will open on September 29, 1997 and close on October 30, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97-10, adopted August 6, 1997, and released August 15, 1997. The full text of this Commission decision is available for

inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Mount Horeb, Channel 294A.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-22114 Filed 8-20-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 541**

[Docket No. 96-122; Notice 02]

RIN 2127-AG33**Final Theft Data; Motor Vehicle Theft Prevention Standard**

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

ACTION: Publication of final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 1995 passenger motor vehicles that occurred in calendar year (CY) 1995. The final 1995 theft data indicate a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The final theft rate for MY 1995 passenger vehicles stolen in calendar year 1995 (3.57 thefts per thousand vehicles produced) decreased by 14.4 percent from the theft rate for CY/MY 1994 vehicles (4.17 thefts per

thousand vehicle produced). Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment. The data were calculated for informational purposes only.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually since 1983/84. Continuing to fulfill the § 33104(b)(4) mandate, this document reports the final theft data for CY 1995, the most recent calendar year for which data are available.

In calculating the 1995 theft rates, NHTSA followed the same procedures it used in calculating the MY 1994 theft rates. (For 1994 theft data calculations, see 61 FR 50069, September 24, 1996). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 1995 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 1995 vehicles of that line stolen during calendar year 1995 by the total number of vehicles in that line manufactured for

MY 1995, as reported to the Environmental Protection Agency (EPA).

The final 1995 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The final theft rate for MY 1995 passenger vehicles stolen in CY 1995 decreased to 3.57 thefts per thousand vehicles produced, a decrease of 14.4 percent from the rate of 4.17 thefts per thousand vehicles experienced by MY 1994 vehicles in CY 1994. For MY 1995 vehicles, out of a total of 208 vehicle lines, 85 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the 85 vehicle lines with a theft rate higher than 3.5826, 70 are passenger car lines, 13 are multipurpose passenger vehicle lines, and 2 are light-duty truck lines.

On Friday, February 21, 1997, NHTSA published the preliminary theft rates for CY 1995 passenger motor vehicles in the **Federal Register** (62 FR 7987). The agency tentatively ranked each of the MY 1995 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. In response to the February 1997 notice, the agency received written comments from the Chrysler Corporation (Chrysler), Ford Motor Company (Ford), and Volkswagen of America, Inc. (Volkswagen). In their comments, all three manufacturers provided the agency with corrected production figures for their vehicle lines. (The written corrections are available at the docket number cited at the beginning of this notice.)

The agency used all written comments to make the necessary adjustments to its data. As a result of the adjustments, the final theft rate and ranking of the vehicle lines changed from those published in the February 1997 notice.

In its comments, Chrysler informed the agency that it stopped production of its LeBaron Coupe model at the end of the 1993 model year; and that, therefore, the listing should be modified to indicate only the LeBaron Convertible model. In response to Chrysler's comment, NHTSA is making the necessary corrections to the final theft data. Additionally, Chrysler commented that the production volume reported by

the agency for the Eagle Talon was erroneously listed. However, after further review of the production volumes Chrysler reported to EPA, it was confirmed that the production volume listed by the agency was not in error. Therefore, the Eagle Talon production volume and the theft rate will remain unchanged.

Ford informed the agency that the number of reported thefts as shown in the preliminary data for the MY 1995 F150 Pickup Trucks was significantly higher than the number of thefts reported for previous years. Ford requested that the agency reanalyze its preliminary data for the number of thefts shown for the F150 Pickup Trucks with a gross vehicle weight rating of 6,000 pounds or less. In response to Ford's comment, the agency corrected the theft figures reported for the F150 Pickup Trucks by subtracting the number of thefts for the F150 Pickup Trucks with a gross vehicle weight rating over 6,000 pounds from the total previously reported. As a result of the reanalysis, the Ford F150 Pickup Truck, previously ranked No. 17 with a theft rate of 7.6797 is now correctly ranked No. 109 with a theft rate of 2.7148.

Additionally, Volkswagen commented that the listing did not include the Volkswagen Cabrio car line. In response to Volkswagen's comment, NHTSA is correcting the final theft data to include the Cabrio car line. As a result of these corrections, the Volkswagen Cabrio, not previously listed, is now ranked No. 123 with a theft rate of 2.3185. Additionally, Volkswagen commented that the production volume for the Audi S6 was incorrect. In response to this comment, the production volume for the Audi S6 has been corrected and the final theft list has been revised accordingly.

In addition to the above changes, it was discovered that the production volume for the Eagle Summit was incorrect. Therefore, the production volume for the Eagle Summit has been corrected and the final theft list has been revised accordingly.

The following list represents NHTSA's final calculation of theft rates for all 1995 passenger motor vehicle lines. This list is intended to inform the public of calendar year 1995 motor vehicle thefts of model year 1995 vehicles and does not have any affect on the obligations of regulated parties under 49 U.S.C. Chapter 331, Theft Prevention.

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995

Manufacturer	Make/model (line)	Thefts 1995	Production (mfr's) 1995	1995 (per 1,000 vehicles produced) theft rate
1 TOYOTA	SUPRA	31	1,542	20.1038
2 MITSUBISHI	DIAMANTE	249	12,947	19.2323
3 CHRYSLER CORP	LEBARON CONVERTIBLE	537	35,844	14.9816
4 MITSUBISHI	MONTERO	459	31,643	14.5056
5 CHRYSLER CORP	DODGE SPIRIT	341	24,557	13.8861
6 TOYOTA	LEXUS GS	100	7,700	12.9870
7 CHRYSLER CORP	PLYMOUTH ACCLAIM	308	23,761	12.9624
8 HONDA/ACURA	LEGEND	296	22,847	12.9557
9 PORSCHE	911	96	7,487	12.8222
10 HYUNDAI	SCOUPE	101	8,673	11.6453
11 MITSUBISHI	MIRAGE	692	60,209	11.4933
12 MITSUBISHI	EXPO	79	7,347	10.7527
13 BMW	M3	98	9,279	10.5615
14 MITSUBISHI	GALANT/SIGMA	676	80,384	8.4096
15 FORD MOTOR CO	MUSTANG	1,388	165,831	8.3700
16 NISSAN	300ZX	28	3,624	7.7263
17 NISSAN	ALTIMA	1,245	163,237	7.6269
18 FIAT	FERRARI F355	4	529	7.5614
19 TOYOTA	LEXUS SC	120	15,915	7.5401
20 NISSAN	INFINITI Q45	64	8,579	7.4601
21 MITSUBISHI	ECLIPSE	435	61,045	7.1259
22 HONDA	PRELUDE	93	13,763	6.7572
23 HONDA/ACURA	2.5TL	3	444	6.7568
24 NISSAN	PATHFINDER	666	104,565	6.3692
25 NISSAN	240SX	157	25,114	6.2515
26 GENERAL MOTORS	OLDSMOBILE CUTLASS CIERA	769	123,593	6.2220
27 GENERAL MOTORS	CHEVROLET CORVETTE	124	19,949	6.2159
28 HYUNDAI	ELANTRA	298	50,215	5.9345
29 HONDA/ACURA	INTEGRA	411	72,753	5.6493
30 TOYOTA	4-RUNNER	565	101,650	5.5583
31 CHRYSLER CORP	JEEP GRAND CHEROKEE	1,464	263,571	5.5545
32 PORSCHE	968	3	559	5.3667
33 MERCEDES BENZ	140 (S-CLASS)	140	26,141	5.3556
34 TOYOTA	TERCEL	494	93,018	5.3108
35 GENERAL MOTORS	BUICK CENTURY	581	110,291	5.2679
36 MITSUBISHI	3000GT	82	15,597	5.2574
37 BMW	3	284	54,625	5.1991
38 MAZDA	626/MX-6	573	110,320	5.1940
39 CHRYSLER CORP	TOWN & COUNTRY MPV	64	12,365	5.1759
40 GENERAL MOTORS	GEO TRACKER	266	51,400	5.1751
41 HONDA/ACURA	NSX	4	781	5.1216
42 NISSAN	MAXIMA	779	154,596	5.0389
43 TOYOTA	COROLLA/COROLLA SPORT	1,042	211,049	4.9372
44 HYUNDAI	SONATA	161	32,807	4.9075
45 CHRYSLER CORP	DODGE STEALTH	22	4,497	4.8922
46 TOYOTA	TOYOTA PICKUP TRUCK	218	44,724	4.8743
47 CHRYSLER CORP	PLYMOUTH NEON	843	173,510	4.8585
48 CHRYSLER CORP	NEW YORKER/LHS	241	49,779	4.8414
49 CHRYSLER CORP	JEEP WRANGLER	500	104,244	4.7964
50 CHRYSLER CORP	EAGLE TALON	164	34,297	4.7818
51 CHRYSLER CORP	PLYMOUTH VOYAGER/GRAND	782	163,590	4.7802
52 TOYOTA	CAMRY	1,489	314,047	4.7413
53 GENERAL MOTORS	CHEVROLET CORSICA	669	142,074	4.7088
54 MAZDA	MPV WAGON	77	16,379	4.7011
55 GENERAL MOTORS	CHEVROLET BERETTA	333	71,753	4.6409
56 CHRYSLER CORP	DODGE NEON	943	203,881	4.6252
57 GENERAL MOTORS	PONTIAC TRANS SPORT	198	42,984	4.6064
58 SUZUKI	SIDEKICK	144	31,741	4.5367
59 FORD MOTOR CO	LINCOLN TOWN CAR	488	107,707	4.5308
60 BMW	5	164	36,329	4.5143
61 CHRYSLER CORP	DODGE CARAVAN/GRAND	976	217,893	4.4793
62 HYUNDAI	ACCENT	225	51,061	4.4065
63 CHRYSLER CORP	EAGLE VISION	110	25,140	4.3755
64 FORD MOTOR CO	ASPIRE	272	62,775	4.3329
65 HONDA	ACCORD	1,411	327,746	4.3052
66 MERCEDES BENZ	129 (SL—CLASS)	36	8,380	4.2959
67 MAZDA	323/PROTEGE	352	82,433	4.2701
68 HONDA	PASSPORT	155	36,620	4.2327

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfr's) 1995	1995 (per 1,000 vehicles produced) theft rate
69 GENERAL MOTORS	BUICK SKYLARK	220	52,743	4.1712
70 BMW	8	5	1,230	4.0650
71 CHRYSLER CORP	INTREPID	611	151,118	4.0432
72 GENERAL MOTORS	CHEVROLET CAMARO	495	122,959	4.0257
73 GENERAL MOTORS	PONTIAC GRAND AM	1,055	262,739	4.0154
74 MAZDA	929	17	4,248	4.0019
75 GENERAL MOTORS	GEO PRIZM	408	103,820	3.9299
76 FORD MOTOR CO	PROBE	229	58,275	3.9296
77 FORD MOTOR CO	MERCURY TRACER	249	63,707	3.9085
78 NISSAN	INFINITI J30	77	20,117	3.8276
79 HONDA	CIVIC	1,242	325,199	3.8192
80 GENERAL MOTORS	OLDSMOBILE ACHIEVA	192	51,388	3.7363
81 FORD MOTOR CO	LINCOLN MARK VIII	75	20,107	3.7300
82 MITSUBISHI	MITSUBISHI PICKUP TRUCK	37	9,991	3.7033
83 FORD MOTOR CO	MERCURY SABLE	380	102,624	3.7028
84 CHRYSLER CORP	DODGE AVENGER	121	33,055	3.6606
85 GENERAL MOTORS	PONTIAC FIREBIRD	187	51,279	3.6467
86 TOYOTA	LEXUS LS	80	22,659	3.5306
87 TOYOTA	CELICA	88	25,391	3.4658
88 ISUZU	ISUZU PICKUP TRUCK	57	16,493	3.4560
89 FORD MOTOR CO	MERCURY MYSTIQUE	229	66,690	3.4338
90 FORD MOTOR CO	THUNDERBIRD	389	114,919	3.3850
91 NISSAN	INFINITI G20	59	17,457	3.3797
92 GENERAL MOTORS	CHEVROLET LUMINA APV	198	58,819	3.3663
93 KIA MOTORS	SEPHIA	68	20,250	3.3580
94 TOYOTA	PASEO	14	4,211	3.3246
95 NISSAN	SENTRA	425	128,110	3.3175
96 TOYOTA	LEXUS ES	128	38,608	3.3154
97 GENERAL MOTORS	GEO METRO	252	76,079	3.3123
98 JAGUAR	XJ6	40	12,195	3.2800
99 CHRYSLER CORP	SEBRING	67	20,613	3.2504
100 FORD MOTOR CO	ESCORT	1,186	364,969	3.2496
101 MAZDA	MX-3	28	8,627	3.2456
102 TOYOTA	MR2	1	309	3.2362
103 FORD MOTOR CO	TAURUS	1,238	396,050	3.1259
104 FORD MOTOR CO	CONTOUR	546	179,245	3.0461
105 CHRYSLER CORP	JEEP CHEROKEE	376	123,859	3.0357
106 MAZDA	MILLENNIA	134	45,891	2.9200
107 FORD MOTOR CO	MERCURY COUGAR	170	60,279	2.8202
108 NISSAN	NISSAN PICKUP TRUCK	479	173,383	2.7627
109 FORD MOTOR CO	F150 PICKUP TRUCK	298	109,770	2.7148
110 FORD MOTOR CO	LINCOLN CONTINENTAL	88	32,816	2.6816
111 CHRYSLER CORP	DODGE STRATUS	126	48,060	2.6217
112 VOLKSWAGEN	JETTA III	208	79,470	2.6173
113 GENERAL MOTORS	CHEVROLET CAVALIER	398	152,457	2.6106
114 CHRYSLER CORP	DODGE DAKOTA PICKUP	307	117,873	2.6045
115 CHRYSLER CORP	EAGLE SUMMIT	30	11,632	2.5791
116 GENERAL MOTORS	PONTIAC GRAND PRIX	341	132,266	2.5781
117 ISUZU	RODEO	231	89,961	2.5678
118 CHRYSLER CORP	CIRRUS	158	61,913	2.5520
119 GENERAL MOTORS	GMC SAFARI	132	52,479	2.5153
120 GENERAL MOTORS	CHEVROLET CAPRICE	134	55,459	2.4162
121 MAZDA	MX-5 MIATA	47	19,822	2.3711
122 VOLKSWAGEN	GOLF III/GTI	50	21,285	2.3491
123 VOLKSWAGEN	CABRIO	19	8,195	2.3185
124 SUBARU	IMPREZA	69	29,916	2.3065
125 GENERAL MOTORS	OLDSMOBILE SILHOUETTE	40	17,347	2.3059
126 GENERAL MOTORS	OLDSMOBILE CUTLASS SUPREME	238	104,586	2.2756
127 SUZUKI	SAMURAI	1	440	2.2727
128 GENERAL MOTORS	CADILLAC DEVILLE/SIXTY	238	105,621	2.2533
129 GENERAL MOTORS	CHEVROLET S-10 PICKUP	530	245,938	2.1550
130 CHRYSLER CORP	DODGE VIPER	3	1,431	2.0964
131 TOYOTA	TACOMA PICKUP TRUCK	162	79,946	2.0264
132 KIA MOTORS	SPORTAGE	21	10,473	2.0052
133 MAZDA	RX-7	1	501	1.9960
134 GENERAL MOTORS	CHEVROLET ASTRO	308	157,562	1.9548
135 GENERAL MOTORS	PONTIAC BONNEVILLE	179	92,140	1.9427
136 JAGUAR	XJ12	1	520	1.9231

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfg'r's) 1995	1995 (per 1,000 vehicles produced) theft rate
137 GENERAL MOTORS	OLDSMOBILE CUTLASS CRUISER	17	8,865	1.9177
138 VOLKSWAGEN	PASSAT	30	15,712	1.9094
139 GENERAL MOTORS	CADILLAC ELDORADO	46	24,488	1.8785
140 TOYOTA	T100 PICKUP TRUCK	66	35,352	1.8669
141 GENERAL MOTORS	SATURN SC	111	59,912	1.8527
142 VOLVO	850	108	58,537	1.8450
143 MERCEDES BENZ	124 (E-CLASS)	58	31,583	1.8364
144 GENERAL MOTORS	CHEVROLET BLAZER S-10	405	221,093	1.8318
145 GENERAL MOTORS	PONTIAC SUNFIRE	97	53,129	1.8257
146 GENERAL MOTORS	GMC SONOMA TRUCK	108	59,435	1.8171
147 FORD MOTOR CO	EXPLORER	468	260,844	1.7942
148 GENERAL MOTORS	SATURN SL	362	208,457	1.7366
149 GENERAL MOTORS	BUICK REGAL	155	90,290	1.7167
150 NISSAN	QUEST	111	65,072	1.7058
151 FORD MOTOR CO	MERCURY GRAND MARQUIS	161	94,519	1.7034
152 TOYOTA	AVALON	100	60,370	1.6565
153 FORD MOTOR CO	CROWN VICTORIA	106	64,247	1.6499
154 FORD MOTOR CO	AEROSTAR	181	109,873	1.6474
155 FORD MOTOR CO	WINDSTAR	523	321,744	1.6255
156 MERCEDES BENZ	202 (C-CLASS)	55	34,068	1.6144
157 GENERAL MOTORS	GMC JIMMY S-15	112	71,652	1.5631
158 TOYOTA	PREVIA	31	20,905	1.4829
159 JAGUAR	XJS	8	5,441	1.4703
160 GENERAL MOTORS	CHEVROLET LUMINA	477	337,623	1.4128
161 FORD MOTOR CO	RANGER PICKUP	310	220,493	1.4059
162 SAAB	900	34	24,332	1.3973
163 SUBARU	LEGACY	106	78,271	1.3543
164 JAGUAR	XJR	1	750	1.3333
165 SUZUKI	SWIFT	7	5,330	1.3133
166 ISUZU	TROOPER	31	24,647	1.2578
167 MAZDA	B SERIES PICKUP	37	29,848	1.2396
168 SAAB	9000	9	7,338	1.2265
169 VOLVO	940	15	12,238	1.2257
170 BMW	7	22	17,960	1.2249
171 GENERAL MOTORS	CADILLAC SEVILLE	42	35,789	1.1735
172 GENERAL MOTORS	OLDSMOBILE AURORA	52	45,677	1.1384
173 GENERAL MOTORS	BUICK RIVIERA	45	39,626	1.1356
174 GENERAL MOTORS	CADILLAC FLEETWOOD	16	14,839	1.0782
175 AUDI	CABRIOLET	1	950	1.0526
176 FORD MOTOR CO	MERCURY VILLAGER (MPV)	81	87,745	0.9231
177 GENERAL MOTORS	SATURN SW	16	17,900	0.8939
178 CHRYSLER CORP	CONCORDE	46	51,524	0.8928
179 GENERAL MOTORS	BUICK LESABRE	144	163,726	0.8795
180 GENERAL MOTORS	OLDSMOBILE 88 ROYALE	59	70,346	0.8387
181 SUBARU	SVX	1	1,228	0.8143
182 VOLVO	960	11	14,228	0.7731
183 AUDI	90	3	4,475	0.6704
184 GENERAL MOTORS	BUICK PARK AVENUE	36	60,667	0.5934
185 AUDI	A6	5	8,492	0.5888
186 GENERAL MOTORS	OLDSMOBILE 98/TOURING	13	24,161	0.5381
187 GENERAL MOTORS	BUICK ROADMASTER	15	28,375	0.5286
188 HONDA	ODYSSEY	15	32,065	0.4678
189 SUZUKI	ESTEEM	2	4,466	0.4478
190 GENERAL MOTORS	GMC G15/25/35 VANDURA	4	31,897	0.1254
191 GENERAL MOTORS	CHEVROLET G10/20/30	12	102,383	0.1172
192 AUDI	S6	0	2,377	0.0000
193 FIAT	ALFA ROMEO 164	0	361	0.0000
194 FIAT	FERRARI 348	0	181	0.0000
195 FIAT	FERRARI 456	0	155	0.0000
196 FIAT	FERRARI 512	0	76	0.0000
197 FIAT	FERRARI F50	0	56	0.0000
198 GENERAL MOTORS	BUICK COACHBUILDER	0	98	0.0000
199 GENERAL MOTORS	GMC G15/25/35 RALLY	0	1,650	0.0000
200 LAMBORGHINI	DIABLO	0	285	0.0000
201 LOTUS	ESPIRIT	0	241	0.0000
202 PORSCHE	928	0	77	0.0000
203 ROLLS-ROYCE	BROOKLANDS	0	25	0.0000
204 ROLLS-ROYCE	CORNICHE/CONTINENTAL	0	105	0.0000

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfg'r's) 1995	1995 (per 1,000 vehicles produced) theft rate
205 ROLLS-ROYCE	SIL SPIRIT/SPUR/MULS	0	132	0.0000
206 ROLLS-ROYCE	TURBO R	0	19	0.0000
207 VOLKSWAGEN	EUROVAN	0	1,814	0.0000
208 VOLVO	LIMOUSINE	0	6	0.0000

Issued on: August 18, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[Docket No. 970728184-7184-01; I.D. 060997C]

Policy Guidelines for the Use of Emergency Rules

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

ACTION: Policy guidelines for the use of emergency rules.

SUMMARY: NMFS is issuing revised guidelines for the Regional Fishery Management Councils (Councils) in determining whether the use of an emergency rule is justified under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The guidelines were also developed to provide the NMFS Regional Administrators guidance in the development and approval of regulations to address events or problems that require immediate action. These revisions make the guidelines consistent with the requirements of section 305(c) of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.

DATES: Effective August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Paula N. Evans, NMFS, 301/713-2341.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 1992, NMFS issued policy guidelines for the use of emergency rules that were published in

the **Federal Register** on January 6, 1992 (57 FR 375). These guidelines were consistent with the requirements of section 305(c) of the Magnuson Fishery Conservation and Management Act. On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act (Public Law 104-297), which made numerous amendments to the Magnuson-Stevens Act. The amendments significantly changed the process under which fishery management plans (FMPs), FMP amendments, and most regulations are reviewed and implemented. Because of these changes, NMFS is revising the policy guidelines for the preparation and approval of emergency regulations. Another change to section 305(c), concerning interim measures to reduce overfishing, will be addressed in revisions to the national standards guidelines.

Rationale for Emergency Action

Section 305(c) of the Magnuson-Stevens Act provides for taking emergency action with regard to any fishery, but does not define the circumstances that would justify such emergency action. Section 305(c) provides that:

1. The Secretary of Commerce (Secretary) may promulgate emergency regulations to address an emergency if the Secretary finds that an emergency exists, without regard to whether a fishery management plan exists for that fishery;

2. The Secretary shall promulgate emergency regulations to address the emergency if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;

3. The Secretary may promulgate emergency regulations to address the emergency if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and

4. The Secretary may promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstances that

created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action.

Policy

The NOAA Office of General Counsel has defined the phrase "unanimous vote," in paragraphs 2 and 3 above, to mean the unanimous vote of a quorum of the voting members of the Council only. An abstention has no effect on the unanimity of the quorum vote. The only legal prerequisite for use of the Secretary's emergency authority is that an emergency must exist. Congress intended that emergency authority be available to address conservation, biological, economic, social, and health emergencies. In addition, emergency regulations may make direct allocations among user groups, if strong justification and the administrative record demonstrate that, absent emergency regulations, substantial harm will occur to one or more segments of the fishing industry. Controversial actions with serious economic effects, except under extraordinary circumstances, should be done through normal notice-and-comment rulemaking.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. An emergency action may not be based on administrative inaction to solve a long-recognized problem. In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards. In addition, the preamble to the emergency rule should indicate what measures could be taken