review under Executive Order 12866. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq), the Department has determined that this rule will not have a significant economic impact on a substantial number of small entities because minimal requirements are being added for small businesses and no protections are being withdrawn. The Department has determined that this rule does not constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act of 1969. The Department has certified that this rule meets the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

List of Subjects in 48 CFR Parts 1425 and 1452

Government procurement, Reporting and recordkeeping requirements.

Dated: March 15, 1996.

Bonnie Cohen,

Assistant Secretary—Policy, Management and Budget.

Chapter 14 of Title 48 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 48 CFR parts 1425 and 1452 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), and 5 U.S.C. 301.

2. 48 CFR part 1425 is revised to read as follows:

PART 1425—FOREIGN ACQUISITION

Supart 1425.2—Buy American Act— Construction Materials

Sec.

1425.203–70 Evaluating offers and price adjustment proposals.

1425.205 Solicitation provision and contract clause.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), and 5 U.S.C. 301.

Supart 1425.2—Buy American Act— Construction Materials

§ 1425.203–70 Evaluating offers and price adjustment proposals.

- (a) Upon receipt of an offered foreign construction material, the CO will conduct a 2 part test to determine, first, if the cost of the components made in the U.S. exceeds 50% of the cost for all the components; and second, if the item meets the first test, whether the item is manufactured in the U.S.
- (b) The cost of U.S. material is unreasonable if it exceeds the cost of the foreign construction material by more than 6%. The CO will compute the cost

of construction material to include all delivery costs to the construction site, and any applicable duty (whether or not a duty-free entry certificate is issued.) This evaluation will be made for each foreign construction material proposed in the offer not excepted by the Government either in the solicitation at 48 CFR 1452.225–70(a) or by subsequent amendment.

(c) The contractor shall pass to the Government any cost savings resulting from post-award approval to use foreign material. The CO may approve exceptions based on cost if the contractor can document that it used U.S. as well as foreign quotes to calculate the price it offered to the Government. If it is shown that the contractor did not obtain the quotes before award, the Director, PAM is authorized to disapprove requests for exceptions to the use of U.S. material. In case of disapproval, the contractor shall use the U.S. material and shall not pass on the additional cost of the U.S. material to the Government.

§ 1425.205 Solicitation provision and contract clause.

In addition to using the clauses required in FAR 25.205, the CO will insert the clause at 48 CFR 1452.225–70, Use of Foreign Construction Materials—Department of the Interior, in solicitations and contracts for construction, alteration, or repair inside the U.S. If the Government has determined that a U.S. construction material is unavailable, it will be listed under paragraph (a) of the clause.

3. Section 1452.225–70 is revised to read as follows:

§ 1425.225–70 Use of Foreign Construction Materials.

As prescribed in 48 CFR 1425.205, insert the following clause in solicitations and contracts for construction, alteration, or repair inside the United States:

Use of Foreign Construction Materials— Department of the Interior (APR 1996)

(a) The Government has determined that the Buy American Act is not applicable to the following construction materials because they are not mined, produced, or manufactured in the U.S. in sufficient quantities of a satisfactory quality:

(b) Offers based on the use of foreign construction materials other than those listed in (a) above may be acceptable if the Government determines that U.S. construction material is not available, would be impracticable or constitute unreasonable price. Please contract the Contracting Officer with questions or comments concerning non-

availability or impracticability of U.S. material.

(c)(1) Offers based upon use of foreign construction material for cost savings will be considered reasonable if the cost of each foreign construction material, plus 6 percent, is less than the cost of comparable U.S. construction material. The Contracting Officer will compute the cost of each foreign construction material to include all delivery costs to the construction site, and any applicable duty (whether or not a duty-free entry certificate is issued.) This evaluation will be made for each foreign construction material included in the offer but not listed in subparagraph (a) above in this clause.

(2) Any contractor cost savings from post award approved substitution of foreign construction material for U.S. construction material shall be passed to the Government.

(d)(1) This offer is based on the use of foreign construction material not listed in (a) above. For each foreign item proposed the offeror shall furnish the following information for the foreign material offered: item description, supplier, unit of measure, quantity, unit price, duty (even if a duty free certificate is issued), delivery costs, and total price. The offeror shall furnish the following information for each U.S. material comparable to the foreign material: item description, supplier, unit of measure, quantity, unit price, delivery costs and total price.

(2) If the Government rejects the use of foreign construction material listed under paragraph (d)(1) above, the Government will evaluate the offer using the offeror's stated price for the comparable U.S. construction material, and the offeror shall be required to furnish such domestic construction material at the originally offered price. In preaward situations, an offer which does not state a price for a comparable U.S. construction material will be rejected by the Government. In postaward situations an offer proposing foreign material which does not state the price for the comparable U.S. construction material will be rejected by the Government. The contractor shall use comparable U.S. material for the project and any additional cost for the use of this U.S. material shall be absorbed by the contractor.

(End of clause)

[FR Doc. 96–8493 Filed 4–5–96; 8:45 am] $_{\mbox{\footnotesize BILLING CODE 4310-RF-M}}$

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. 96-17; Notice 01]

RIN: 2127-AG34

Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 1997 High-Theft Vehicle Lines

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

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination, for Model Year (MY) 1997, of high-theft vehicle lines that will be subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard and high-theft lines that will be exempted from the parts-marking requirements because the vehicles are equipped with agency-approved antitheft devices, pursuant to the statute relating to motor vehicle theft prevention.

EFFECTIVE DATE: The amendment made by this final rule is effective April 8, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Motor Vehicle Theft Group, 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: The "Anti Car Theft Act of 1992" amended the law relating to the parts-marking of major component parts on designated hightheft vehicle lines and other motor vehicles. One amendment made by the Anti Car Theft Act was to 49 U.S.C. 33101(10), where the definition of "passenger motor vehicle" now includes a "multipurpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." Since "passenger motor vehicle" was previously defined to include passenger cars only, the effect of the Anti Car Theft Act is that certain multipurpose passenger vehicle (MPV) and light-duty truck (LDT) lines may be determined to be high-theft vehicles, subject to the Federal motor vehicle theft prevention standard (49 CFR Part 541).

The purpose of the Theft Prevention Standard 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 selected as high-theft.

Another amendment made by the Anti Car Theft Act was to 49 U.S.C. 33103. This section required NHTSA to promulgate a parts-marking standard applicable to major parts installed by manufacturers of "passenger motor vehicles (other than light duty trucks) in not to exceed one-half of the lines not designated under section 33104 as hightheft lines." NHTSA published the final rule amending 49 CFR Part 541, which now includes the definitions of MPV and LDT, and major component parts. (See 59 F.R. 64164, December 13, 1995). In carrying out section 33103, NHTSA reviewed theft rates of the 231 vehicle lines that were listed in the 1990/91 theft rate data. (See 59 F.R. 12400, March 16, 1994) A total of 116 vehicle lines (any line rated a number 116 or lower) was in the eligible pool of lines potentially subject to parts-marking pursuant to section 33103.

Pursuant to the statutory mandate, NHTSA removed all light-duty truck lines from the eligible pool. Section 33103(a) further directs NHTSA to select only lines "not designated under section 33104 of this title as high theft lines." Thus, the agency removed any passenger motor vehicle line that NHTSA had previously determined to be high theft. After removing the ineligible lines, the agency determined that there were 57 lines below the median still eligible for selection under section 33103. Out of the 57 belowmedian lines left, the agency designated the 45 lines with the highest theft rates to be marked pursuant to section 33103 and section 33104(a)(1)(C).

49 U.S.C. 33104(a)(3) specifies that NHTSA shall select high-theft vehicle lines with the agreement of the manufacturer, if possible. Section 33104(d) provides that once a line has been designated as likely high-theft, it remains subject to the Theft Prevention Standard unless that line is exempted under Section 33106. Section 33106 provides that a manufacturer may petition to have a high-theft line exempted from the requirements of section 33104, if the line is equipped with an antitheft device 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 the lines that were previously listed as high-theft and the lines that are being listed for the first time and will be subject to the Theft Prevention Standard beginning with MY 1997. It also identifies those lines that are exempted from the Theft Prevention Standard for

the 1997 model year because of standard equipment antitheft devices.

For MY 1997, the agency selected nine new vehicle lines as likely to be high-theft lines, in accordance with the procedures published in 49 CFR Part 542. Of these newly selected lines, six have been exempted by the agency from the parts-marking requirements of Part 541. The three lines that have not been exempted are the Honda Passport, Honda CRV, and Toyota RAV4. In addition to these newly selected lines, 45 existing vehicle lines were added that fell below the median. Further, this listing of high-theft vehicles includes all those lines that were selected as hightheft and listed for prior model years.

The list of lines that have been exempted by the agency from the partsmarking requirements of Part 541 includes high-theft lines newly exempted in full beginning with MY 1997. The six vehicle lines newly exempted in full are the BMW 5 Car Line, General Motors Chevrolet Cavalier, Honda Acura CLX, Jaguar XK8, Nissan Infiniti QX4, and Volkswagen Passat.

Volkswagen also informed the agency that the MY 1996 final rule (60 FR 36231) listing of high-theft car lines inadvertently omitted from Appendix A-I the following six lines: the Volkswagen Cabrio, the Jetta III, the Audi Cabriolet, the Audi A6, S4, and S6. Further, Toyota requested that the agency delete in the Appendix A-I listing: the "Lexus ES 250," the "Lexus LS 400" and the "Lexus SC300." These lines will now be listed as the "Lexus ES," the "Lexus LS," and the "Lexus SC." Additionally, the "Lexus GS" ' Additionally, the "Lexus GS' which was inadvertently left off the listing published for MY 1996 is now added to this listing. Finally, three lines were introduced after the final rule listing of MY 1996 high-theft lines was published. These lines are subject to the marking requirements of the Theft Prevention Standard, the BMW Z3, the Porsche Boxster, and the Suzuki X90. The Porsche Boxster received an exemption for the 1996 model year. The updated list reflects this information.

Furthermore, this final rule responds to comments received from Porsche Cars North America, Inc. (Porsche) and Subaru of America, Inc. (Subaru), each requesting that one car line be deleted from the list because it is no longer being produced. Those lines are the Porsche 944 and the Subaru XT. The Porsche 944 will be deleted from Appendix B of 49 CFR Part 541, since it was not covered prior to MY 1997 and it has not been produced since MY 1991.

The agency understands Subaru's reasons for requesting deletion of the XT from the list of vehicles subject to the parts-marking requirements of the Theft Prevention Standard. However, NHTSA cannot delete the Subaru XT from the list because it has been covered by the Theft Prevention Standard since MY 1987. Pursuant to 49 U.S.C. § 33104(d), a vehicle line on the list of lines subject to parts-marking cannot be removed from that list unless the manufacturer has obtained an exemption from the parts-marking requirement based on the installation of a qualified antitheft device as standard equipment on the entire line.

The vehicles listed as being subject to the parts-marking standard have previously been selected as high-theft lines in accordance with the procedures set forth in 49 CFR Part 542. Under these procedures, manufacturers evaluate new vehicle lines to conclude whether those new lines are likely to be high theft. Manufacturers submit these evaluations and conclusions to the agency, which makes an independent evaluation and, on a preliminary basis, determines whether the new line should be subject to the parts-marking requirements. NHTSA informs the manufacturer in writing of its evaluations and determinations and the factual information considered by the agency in making them. The manufacturer may request the agency to reconsider the preliminary determinations. Within 60 days of the receipt of these requests, the agency makes its final determination. NHTSA informs the manufacturer by letter of these determinations and its response to the request for reconsideration. If there is no request for reconsideration, the agency's determination becomes final 45 days after sending the letter with the preliminary determination. Each of the new lines on the high-theft list was the subject of a final determination either with section 33103 or section 33104.

Similarly, the lines listed as being exempt from the standard have previously been exempted in accordance with the procedures of 49 CFR Part 543 and section 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 and is unnecessary since the selections and exemptions have previously been made in accordance with the statutory criteria and procedure.

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

1. Costs and Other Impacts

NHTSA has analyzed this rule and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The agency has also considered this notice under Executive Order 12866. As already noted, the selections in this final rule have previously been made in accordance with the provisions of 49 U.S.C. 33104, and the manufacturers of the selected lines have already been informed that those lines are subject to the requirements of 49 CFR Part 541 for MY 1997. Further, this listing does not actually exempt lines from the requirements of 49 CFR Part 541; it only informs the general public of all such previously granted exemptions. Since the only purpose of this final listing is to inform the public of prior agency actions for MY 1997, a full regulatory evaluation has not been prepared.

2. Regulatory Flexibility Act

The agency has also considered the effects of this listing under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As noted above, the effect of this final rule is simply to inform the public of those lines that are subject to the requirements A–II are revised to read as follows:

of 49 CFR Part 541 for MY 1997. The agency believes that the listing of this information will not have any economic impact on small entities.

3. Environmental Impacts

In accordance with the National Environmental Policy Act of 1969, the agency has considered the environmental impacts of this rule, and determined that it will not have any significant impact on the quality of the human environment.

4. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

5. Civil Justice Reform

This final rule does not have a retroactive 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.

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. 33102-33104 and 33106; delegation of authority at 49 CFR 1.50.

2. In Part 541, Appendices A, A-I and

APPENDIX A TO PART 541—LINES SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

Manufacturer	Subject lines
Alfa Romeo	Milano 161, 164.

APPENDIX A TO PART 541—LINES SUBJECT TO THE REQUIREMENTS OF THIS STANDARD—Continued

Manufacturer	Subject lines
Chrysler	Chrysler Cirrus, Chrysler Executive, Sedan/Limousine, Chrysler Fifth Avenue/Newport, Chrysler Laser, Chrysler LeBaron/Town & Country, Chrysler LeBaron GTS, Chrysler's TC, Chrysler New Yorker Fifth Avenue, Chrysler Sebring, Chrysler Town & Country, ² Dodge 600, Dodge Aries, Dodge Avenger, Dodge Colt, Dodge Daytona, Dodge Diplomat, Dodge Lancer, Dodge Neon, Dodge Ramcharger (MPV), ² Dodge Ram Wagon/Van B—150, ² Dodge Shadow, Dodge Spirit, ² Dodge Stratus, Dodge Stealth, Eagle Summit, Eagle Talon, Jeep Cherokee (MPV), ² Jeep Wrangler (MPV), ² Plymouth Acclaim, ² Plymouth Caravelle, Plymouth Colt, Plymouth Laser, Plymouth Gran Fury, Plymouth Neon, Plymouth Reliant, Plymouth Sundance, Plymouth Breeze.
Consulier	Consulier GTP.
Ferrari	Mondial 8, 308, 328.
Ford	Aspire, ² Crown Victoria, ² Ford Escort, ² Ford Mustang, Ford Probe, Ford Taurus, ² Ford Tempo, ² Ford Thunderbird, Lincoln Continental, Lincoln Mark, Mercury Capri, Mercury Cougar, Mercury Grand Marquis, ² Mercury Sable, ² Mercury Tracer, ² Mercury Topaz, ² Merkur Scorpio, Merkur XR4Ti.
General Motors	Buick Century, ² Buick Electra, Buick Reatta, Buick Skylark, ² Chevrolet Astro (MPV), ² Chevrolet Beretta, ² Chevrolet Caprice, ² Chevrolet Corsica, ² Chevrolet C–1500 Pickup, ² Chevrolet Lumina APV (MPV), ² Chevrolet Monte Carlo (MYs 1987–88), Chevrolet Nova, Chevrolet Blazer (MPV), ² Chevrolet S–10 Pickup, ² GEO Tracker (MPV), ² GEO Storm, GMC Jimmy (MPV), ² GMC Safari (MPV), ² GMC Sonoma Pickup, ² GMC Sierra 1500 Pickup, ² Oldsmobile Achieva, ² Oldsmobile Bravada, ² Oldsmobile Cutlass Ciera, ² Oldsmobile Cutlass Supreme, Pontiac Fiero, Pontiac Grand Am, ² Pontiac Grand Prix, Pontiac Sunfire, ² Saturn Sports Coupe.
Honda	Accord, ² Civic, ² CRV (MPV), ² Passport, ² Prelude, ² Acura Integra, ² TL.
Hyundia	Accent, Excel, 2 Scoupe, 2 Sonata 2.
Isuzu	Impulse, Rodeo, ² Stylus, Trooper/Trooper II ² .
Jaguar	
Lotus	Elan.
Maserati	Biturbo, Quattroporte, 228.
Mazda	GLC, 626, MX–6, MX–5 Miata, MX–3.
Mercedes-Benz	190 D, 190 E, 250D-T, 260 E, 300 SE, 300 TD, 300 SDL, 300 SEC/500 SEC, 300 SEL/500 SEL, 420 SEL, 560 SEL, 560 SEC.
Mitsubishi	Cordia, Eclipse, Mirage, Montero (MPV), ² MPV, ² Pickup, ² Tredia, 3000GT.
Nissan	240SX, ² Maxima, Pathfinder, ² Sentra, ² Stanza/Altima ² .
Peugeot	405.
Porsche	924S.
Subaru	
Suzuki	
Toyota Volkswagen	

¹ Lines added for MY 1996. ¹ Lines added for MY 1997.

APPENDIX A-1-HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

Manufacturer	Subject lines	
Austin Rover	Sterling.	
BMW	5 Car Line, 2 7 Car Line, 8 Car Line.	
Chrysler	Chrysler Conquest, Imperial.	
General Motors	Buick Regal, Buick Riviera, Cadillac Allante, Chevrolet Cavalier ² , Chevrolet Corvette, Chevrolet Lumina/Monte Carlo, Oldsmobile Aurora, Oldsmobile Toronado.	
Honda	Acura CLX, ² Acura Legend, Acura NS-X, Acura Vigor.	
Isuzu	Impulse (MYs 1987–1991).	
Jaguar	XK8 ² .	
Mazda	929, RX-7, Millenia, Amati 1000.	
Mercedes-Benz	124 Car Line (the models within this line are): 300D, 300E, 300CE, 300TE, 400E, 500E; 129 Car Line (the models within this line are): 300SL, 500SL, 500SL; 202 Car Line, C-Class.	
Mitsubishi	Galant, Starion, Diamante.	
Nissan	300ZX, Infiniti M30, Infiniti QX4,2 Infiniti Q45, Infiniti J30, Infiniti I.	
Porsche	911 928, 968, Boxster ¹	
Saab	900, 9000.	
Toyota		
Volkswagen	Audi 5000S, Audi 100, Audi 200, Audi A6, Audi S4, Audi S6, Audi Cabriolet, Volkswagen Cabrio, Volkswagen Corrado, Volkswagen Golf/GTI, Volkswagen Passat, ² Volkswagen Jetta/Jetta III.	

¹ Exempted in full beginning with MY 1996. ² Exempted in full beginning with MY 1997.

APPENDIX A-II TO PART 541-HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED IN PART FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

Manufacturers	Subject lines	Parts to be marked
General Motors	Buick LeSabre	Engine, Transmission.

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

Manufacturers	Subject lines	Parts to be marked
	Buick Park Avenue Cadillac Deville Cadillac Eldorado Cadillac Seville Cadillac Sixty Special 1 Oldsmobile 98 Pontiac Bonneville Pontiac Firebird Chevrolet Camaro Oldsmobile 88 Royale	Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission.

¹ Renamed the Cadillac Concours beginning with MY 1994.

Issued on: April 1, 1996.

Barry Felrice,

Associate Administrator for Safety

Performance Standards.

[FR Doc. 96-8358 Filed 4-5-96; 8:45 am]

BILLING CODE 4910-59-P