

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

49 CFR Part 541

[Docket No. NHTSA-98-3752]

RIN 2127-AH06

Federal Motor Vehicle Theft Prevention
Standard; Final Listing of Model Year
1999 High-Theft Vehicle LinesAGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination for model year (MY) 1999 high-theft vehicle lines that are subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard, and high-theft lines that are exempted from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria for MY 1999, pursuant to the statute relating to motor vehicle theft prevention.

EFFECTIVE DATE: The amendment made by this final rule is effective July 15, 1998.

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," P. L. 102-519, amended the law relating to the parts-marking of major component parts on designated high-theft vehicle lines and other motor vehicles. The Anti Car Theft Act amended the definition of "passenger motor vehicle" in 49 U.S.C. § 33101(10) to include 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.

The Anti Car Theft Act also amended 49 U.S.C. § 33103 to require 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 49 U.S.C. § 33104 as high-theft lines." NHTSA published a final rule amending 49 CFR Part 541 to include the definitions of MPV and LDT, and major component parts. See 59 FR 64164, December 13, 1995.

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 § 33106. Section 33106 provides that a manufacturer may petition to have a high-theft line exempted from the requirements of § 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 which were previously listed as high-theft, and the lines which are being listed for the first time and will be subject to the theft prevention standard beginning in a given model year. It also identifies those lines that are exempted from the theft prevention standard for a given model year under § 33104.

On April 8, 1996, the final listing of high-theft lines for the MY 1997 vehicle lines was published in the **Federal Register** (61 FR 15390). The final listing identified vehicle lines that were listed for the first time and became subject to the theft prevention standard beginning with the 1997 model year. However, the agency was subsequently informed that beginning with MY 1997, two of those lines, the Chevrolet Beretta and the Chevrolet Caprice, are no longer being

manufactured for sale in the United States. Therefore, those two vehicle lines were not properly included on the list in Appendix A, and have been deleted. In addition, two other General Motors car lines, the Chevrolet Corsica and the Oldsmobile Cutlass Ciera underwent name and platform changes for model year 1997. The new names have been substituted in Appendix A, with a footnote indicating the former name and the date of the change.

On July 31, 1997, the final listing of high-theft lines for the MY 1998 vehicle lines was published in the **Federal Register** (62 FR 40949). The final listing identified vehicle lines that were listed for the first time and became subject to the theft prevention standard beginning with the 1998 model year.

For MY 1999, the agency identified four new vehicle lines that are likely to be high-theft lines, in accordance with the procedures published in 49 CFR Part 542. The new lines are the Honda Odyssey, the Hyundai (nameplate to be announced), the Toyota Lexus RX300 (SUV) and the Toyota Solara. In addition to these four vehicle lines, the list of high-theft vehicle lines includes all lines previously selected as high-theft and listed for prior model years. Furthermore, Appendix A has been amended to reflect a name change for the Suzuki Sidekick (MPV) and the Oldsmobile Achieva. The Suzuki Sidekick has been renamed the Suzuki Grand Vitara, and the Oldsmobile Achieva has been renamed the Oldsmobile Alero beginning with MY 1999.

The list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 includes high-theft lines newly exempted in full beginning with MY 1999. The three vehicle lines newly exempted in full are the BMW Car line 3, the General Motors Oldsmobile Alero and the Nissan Maxima. Additionally, the agency was subsequently informed that the Mazda Amati 1000 car line has never been manufactured for sale in the United States. Therefore, the Mazda Amati 1000 car line has been deleted from Appendix A-I of this listing.

The vehicle lines 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. The manufacturer submits 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, together with 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 has been the subject of a final determination under either 49 U.S.C. § 33103 or § 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 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

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 1999. 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 1999, 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 of 49 CFR Part 541 for MY 1999. 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 A–II are revised to read as follows:

Appendix A to Part 541—Lines Subject to the Requirements of This Standard

Manufacturer	Subject lines
ALFA ROMEO	Milano 161. 164.
BMW	Z3. 6 Car Line.
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. Dodge 600. Dodge Aries. Dodge Avenger. Dodge Colt. Dodge Daytona.

Manufacturer	Subject lines
	Dodge Diplomat. Dodge Lancer. Dodge Neon. Dodge Shadow. Dodge Stratus. Dodge Stealth. Eagle Summit. Eagle Talon. Jeep Cherokee (MPV). Jeep Grand Cherokee (MPV). Jeep Wrangler (MPV). 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	Ford Aspire.
	Ford Crown Victoria.
	Ford Escort.
	Ford Mustang.
	Ford Probe.
	Ford Taurus.
	Ford Thunderbird.
	Lincoln Continental.
	Lincoln Mark.
	Lincoln Town Car.
	Mercury Capri.
	Mercury Cougar.
	Mercury Grand Marquis.
	Mercury Sable.
	Mercury Tracer.
	Merkur Scorpio.
	Merkur XR4Ti.
GENERAL MOTORS	Buick Electra.
	Buick Reatta.
	Buick Skylark.
	Chevrolet Astro (MPV).
	Chevrolet Lumina Minivan.
	Chevrolet Malibu. ¹
	Chevrolet Monte Carlo (MYs 1987–88).
	Chevrolet Nova.
	Chevrolet Blazer (MPV).
	Chevrolet Prizm. ²
	Chevrolet S–10 Pickup.
	Geo Storm.
	Chevrolet Tracker (MPV). ²
	GMC Jimmy (MPV).
	GMC Safari (MPV).
	GMC Sonoma Pickup.
	Oldsmobile Achieva (MYs 1997–1998). ³
	Oldsmobile Bravada.
	Oldsmobile Cutlass. ⁴
	Oldsmobile Cutlass Supreme (MYs 1988–1997). ⁵
	Oldsmobile Intrigue.
	Pontiac Fiero.
	Pontiac Grand Am.
	Saturn Sports Coupe.
HONDA	Pontiac Grand Prix.
	Accord.
	CRV (MPV).
	Odyssey (MPV). ⁶
	Passport.
	Prelude.
	Acura Integra.
HYUNDAI	Accent.
	(nameplate to be announced). ⁶

Manufacturer	Subject lines
ISUZU	Sonata. Tiburon. Impulse. Rodeo. Stylus. Trooper/Trooper II.
JAGUAR	XJ. XJ-6. XJ-40.
KIA MOTORS	S-II.
LOTUS	Elan.
MASERATI	Biturbo. Quattroporte. 228.
MAZDA	GLC. 626. MX-3. MX-5 Miata.
MERCEDES-BENZ	MX-6. 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. 560 SL.
MITSUBISHI	Cordia. Eclipse. Mirage. Montero (MPV). Montero Sport (MPV). Tredia.
NISSAN	3000GT. 240SX. Pathfinder. Sentra/200SX. Stanza/Altima.
PEUGEOT	405.
PORSCHÉ	924S.
SUBARU	XT. SVX. Forester. Legacy.
SUZUKI	X90. Samurai (MPV). Sidekick (MYs 1997-1998). ⁷ Grand Vitara (MPV).
TOYOTA	Toyota 4-Runner (MPV). Toyota Avalon. Toyota Camry. Toyota Celica. Toyota Corolla/Corolla Sport. Toyota MR2. Toyota RAV4 (MPV). Toyota Sienna (MPV). Toyota Solara. ⁸ Toyota Starlet. Toyota Tercel.
VOLKSWAGEN	Lexus RX300 (SUV). ⁸ Audi Quattro. Volkswagen Rabbit. Volkswagen Scirocco.

¹ Replaced the Chevrolet Corsica beginning with MY 1997.² The Geo make identifier was replaced by the Chevrolet make identifier beginning with MY 1998.³ Renamed the Oldsmobile Alero beginning with MY 1999.⁴ Replaced the Oldsmobile Cutlass Ciera in MY 1997.⁵ Renamed the Oldsmobile Intrigue beginning with MY 1998.⁶ Lines added for MY 1999.

⁷ Renamed the Suzuki Grand Vitara beginning with MY 1999.

⁸ Lines added for MY 1999.

Appendix A-I—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	3 Car Line. ¹
	5 Car Line.
	7 Car Line.
	8 Car Line.
CHRYSLER	Chrysler Conquest.
	Chrysler Imperial.
GENERAL MOTORS	Buick Park Avenue.
	Buick Regal/Century.
	Buick Riviera.
	Cadillac Allante.
	Cadillac Seville.
	Chevrolet Cavalier.
	Chevrolet Corvette.
	Chevrolet Lumina/Monte Carlo.
	Oldsmobile Alero. ¹
	Oldsmobile Aurora.
	Oldsmobile Toronado.
	Pontiac Sunfire.
HONDA	Acura CL.
	Acura Legend (MYs 1987–1996). ²
	Acura NSX.
	Acura RL.
	Acura SLX.
	Acura TL.
	Acura Vigor (MYs 1992–1995). ³
ISUZU	Impulse (MYs 1987–1991).
JAGUAR	XK8
MAZDA	929.
	RX–7.
	Millenia.
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. ⁴
	500SL. ⁵
	600SL. ⁶
	SL320.
	SL500.
	SL600.
	202 Car Line (the models within this line are):
	C220.
	C230.
	C280.
	C36
MITSUBISHI	Galant.
	Starion.
	Diamante.
NISSAN	Nissan Maxima. ⁷
	Nissan 300ZX.
	Infiniti I30.
	Infiniti J30.
	Infiniti M30.
	Infiniti QX4.
	Infiniti Q45.
PORSCHE	911.
	928.
	968.
	Boxster.
SAAB	900.
	9000.
TOYOTA	Toyota Supra.

Manufacturer	Subject lines
VOLKSWAGEN	Toyota Cressida. Lexus ES. Lexus GS. Lexus LS. Lexus SC Audi 5000S. Audi 100. Audi 200. Audi A6. Audi S4. Audi S6. Audi Cabriolet. Volkswagen Cabrio. Volkswagen Corrado. Volkswagen Golf/GTI. Volkswagen Passat. Volkswagen Jetta/Jetta III

¹ Exempted in full beginning with MY 1999.

² Renamed the Acura RL beginning with MY 1997.

³ Replaced by the Acura TL beginning with MY 1996.

⁴ Replaced by the SL320 beginning with MY 1997.

⁵ Renamed the SL500 beginning with MY 1994.

⁶ Renamed the SL600 beginning with MY 1994.

⁷ Exempted in full beginning with MY 1999.

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 Cadillac Deville Cadillac Eldorado Cadillac Sixty Special ¹ Oldsmobile Ninety-Eight Pontiac Bonneville Pontiac Firebird Chevrolet Camaro Oldsmobile Eighty-Eight	Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission. Engine, Transmission.

¹ Renamed the Cadillac Concours beginning with MY 1994.

Issued on: June 30, 1998.

L. Robert Shelton,

*Associate Administrator for Safety
Performance Standards.*

[FR Doc. 98-18538 Filed 7-14-98; 8:45 am]

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DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Part 660

[Docket No. 980406085-8164-01; I.D.
031998C]

RIN 0648-AJ27

**Fisheries off West Coast States and in
the Western Pacific; Pacific Coast
Groundfish Fishery; Management
Measures for Nontrawl Sablefish**

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA),
Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement management measures recommended by the Pacific Fishery Management Council (Council) for the limited entry, fixed gear sablefish fishery north of 36° N. lat. These measures provide a three-tiered management regime with three different cumulative landings limits for permit holders participating in the regular, limited entry, fixed gear sablefish fishery. The cumulative landings limit available to a permit holder depends on the tier to which the permit is assigned, with tier assignment based on historical and more recent participation in the fixed gear sablefish fishery. Both the limited entry and open access fixed gear sablefish fisheries will be closed for 48 hours immediately before and for 30 hours immediately after the regular fishery, with different restrictions applying during the two closed periods.

Provisional 1997 regulatory language is updated by this final rule. These actions are intended to recognize the historical and more recent participation and investment in the fixed gear sablefish fishery while eliminating the traditional "derby" style management system.

DATES: Effective July 10, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) and the Final Regulatory Flexibility Analysis (FRFA) for this action are available from the Pacific Fishery Management Council, 2130 SW. Fifth Avenue, Suite 224, Portland, OR 97201. Comments regarding the collection-of-information requirements contained in this rule should be sent to William Stelle, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115-0070 or to