

operating in interstate or foreign commerce are subject to the requirements of subpart B of part 371. This subpart requires that brokers: use only motor carriers that are properly licensed and authorized to operate (49 CFR 371.105); provide certain disclosures in advertisements and Internet Web homepages, and to individual shippers (49 CFR 371.107 through 371.111, 371.117); provide individual shippers with a written estimate (49 CFR 371.115); and maintain agreements with motor carriers before providing written estimates on behalf of these carriers (49 CFR 371.117). Subpart B also establishes penalties for violations (49 CFR 371.121).

Issued on: May 16, 2012.

Anne S. Ferro,  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 541

[Docket No. NHTSA-2012-0032]

RIN 2127-AL21

#### Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2013 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2013

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

**ACTION:** Final rule.

**SUMMARY:** This final rule announces NHTSA's determination that there are no new model year (MY) 2013 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 anti-theft devices determined to meet certain statutory criteria.

**DATES:** *Effective Date:* The amendment made by this final rule is effective June 4, 2012.

**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) 366-4807. 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 section 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of section 33104, if the line is equipped with an anti-theft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the anti-theft 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 2013, 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 2013, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include ten vehicle lines newly exempted in full. The ten exempted vehicle lines are the Buick Verano, Chrysler Dart, Ford C-Maxx, Land Rover LR2, Mazda CX-5, Mitsubishi i-MiEV, Nissan Juke, Subaru XV Crosstrek, Toyota Prius and the Volkswagen Audi A4 Allroad (MPV).

Subsequent to publishing the April 12, 2011 final rule (See 76 FR 20251), Nissan North America, Inc., (Nissan) informed the agency that beginning with MY 2012, it would no longer be installing an anti-theft device as standard equipment on the Versa vehicle line and would begin applying parts marking to its Versa vehicles beginning with the same model year. Nissan was granted a parts marking exemption by the agency on January 3, 2007 for the Versa line (See 72 FR 188), but changed its nameplate from Nissan Versa to the Versa Hatchback vehicle line beginning with MY 2012. The agency also granted two petitions for exemption in full subsequent to publishing the April 2011 **Federal Register** notice. Specifically, the agency granted a full exemption to Nissan North America, Inc., for its Nissan Leaf vehicle line and Telsa Motors, Inc., for its Model S vehicle line beginning with their MY 2012 vehicles.

We note that the agency also removes vehicle lines that have been discontinued more than 5 years ago from the list published in the **Federal Register**, annually. Therefore, the agency is removing the Ford Five-Hundred (2007) and Volkswagen Audi Allroad vehicle lines 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 republishing 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:

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<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****Manufacturer****Subject Lines**

BMW.....	MINI
	X1
	X3
	X5
	Z4
	1 Car Line
	3 Car Line
	5 Car Line
	6 Car Line
	7 Car Line

Manufacturer	Subject Lines
CHRYSLER.....	300C Fiat 500 Town and Country MPV Jeep Grand Cherokee Jeep Patriot Jeep Wrangler Dodge Charger Dodge Challenger Dodge Dart <sup>1</sup> Dodge Journey Dodge Magnum (2008)
FORD MOTOR CO .....	C-Maxx <sup>1</sup> Escape Explorer Focus Fusion Lincoln Town Car Mustang Mercury Mariner Mercury Grand Marquis Mercury Sable Taurus Taurus X
GENERAL MOTORS .....	Buick Lucerne Buick LaCrosse Buick Verano <sup>1</sup> Cadillac CTS Cadillac DTS/Deville <sup>2</sup> Cadillac XTS/Deville Chevrolet Camaro Chevrolet Cobalt (2005-2010) Chevrolet Corvette Chevrolet Cruze Chevrolet Equinox Chevrolet Impala/Monte Carlo Chevrolet Malibu/Malibu Maxx Chevrolet Sonic Chevrolet Uplander GMC Terrain Pontiac G6 Pontiac Grand Prix

<sup>1</sup> Granted an exemption from the parts marking requirements beginning with MY 2013.

<sup>2</sup> The nameplate for the Cadillac DTS vehicle line was changed to Cadillac XTS beginning with MY 2013.

Manufacturer	Subject Lines
	Saturn Aura
HONDA .....	Acura TL
HYUNDAI .....	Azera
	Genesis <sup>2</sup>
	Equus (originally codenamed VI)
JAGUAR .....	XJ
	XK
	Land Rover LR2 <sup>1</sup>
	Land Rover Range Rover Evoque
KIA.....	Amanti <sup>2</sup>
MAZDA .....	2
	3
	5
	6
	CX-5 <sup>1</sup>
	CX-7
	CX-9
	MX-5 Miata
	Tribute
MERCEDES-BENZ.....	smart USA fortwo
	SL-Class (the models within this line are):
	SL550
	SL600
	SL55
	SL 63/AMG
	SL 65/AMG
	SLK-Class (the models within this line are):
	SLK 300
	SLK 350
	SLK 55 AMG
	S-Class/CL-Class (the models within this line are):
	S450
	S500
	S550
	S600
	S55
	S65
	CL500
	CL600

<sup>1</sup> Granted an exemption from the parts marking requirements beginning with MY 2013.

<sup>2</sup> Hyundai and Kia did not utilize the exemptions granted for the Genesis and Amanti vehicle lines respectively and have parts marked these vehicle lines since MY 2009.

Manufacturer	Subject Lines
	CL55 CL65 C-Class/CLK-Class (the models within this line are): C240 C300 C350 CLK 350 CLK 550 CLK 63AMG E-Class/CLS Class (the models within this line are): E320/E320DT CDi E350/E500/E55 CLS500/CLS55
MITSUBISHI .....	Eclipse Endeavor Galant iMiEV <sup>1</sup> Lancer Outlander Outlander Sport
NISSAN .....	Altima Cube Juke <sup>1</sup> Leaf <sup>2</sup> Maxima Murano Pathfinder Quest Rogue Sentra Versa (2008-2011) Versa Hatchback <sup>3</sup> Infiniti G Infiniti M
PORSCHE .....	911 Boxster/Cayman
SAAB .....	Panamera 9-3 9-5

<sup>1</sup> Granted an exemption from the parts marking requirements beginning with MY 2013.

<sup>2</sup> Granted an exemption from the parts marking requirements beginning with MY 2012.

<sup>3</sup> The nameplate for the Nissan Versa was changed to the Versa Hatchback in MY 2012. Beginning with its MY 2012 vehicles, Nissan did not utilize the exemption granted for the Versa vehicle line and has parts marked the line since MY 2012.

Manufacturer	Subject Lines
SUBARU .....	Forester Impreza Legacy B9 Tribeca Outback XV Crosstrek <sup>1</sup>
SUZUKI .....	Kizashi XL-7
TESLA .....	Model S <sup>2</sup>
TOYOTA.....	Camry Corolla Lexus ES Lexus GS Lexus LS Lexus SC Prius <sup>1</sup>
VOLKSWAGEN .....	Audi A3 Audi A4 A4 Allroad MPV <sup>1</sup> Audi A6 Audi A8 Audi Q5 New Beetle Golf/Rabbit/GTI/R32/R Jetta Passat Tiguan

<sup>1</sup> Granted an exemption from the parts marking requirements beginning with MY 2013.

<sup>2</sup> Granted an exemption from the parts marking requirements beginning with MY 2012.

Issued on: May 29, 2012.

**Nathaniel Beuse,**

*Acting Associate Administrator for  
Rulemaking.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 226

[Docket No. 120521436-2436-01]

RIN 0648-XA998

#### Listing Endangered and Threatened Wildlife and Designating Critical Habitat; 12-Month Determination on How To Proceed With a Petition To Revise Designated Critical Habitat for the Endangered Leatherback Sea Turtle

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

Atmospheric Administration (NOAA),  
Commerce.

**ACTION:** Notice of 12-month  
determination.

**SUMMARY:** We, the National Marine Fisheries Service (NMFS), announce our 12-month determination on how to proceed with a petition to revise the critical habitat designation for leatherback sea turtles pursuant to the Endangered Species Act (ESA) of 1973, as amended. The petition from Sierra Club requested a revision of the existing critical habitat designation for the leatherback sea turtle by adding the coastline and offshore waters of the Northeast Ecological Corridor in Puerto Rico. Based on the lack of reasonably