

§ 424.25 Plan of treatment requirements for outpatient physical therapy and speech pathology services.

(e) *Review of the plan.* (1) The physician reviews the plan as often as the individual's condition requires, but at least every 30 days.

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: March 2, 1989.

Terry Coleman,

Acting Administrator, Health Care Financing Administration.

Approved: June 21, 1989.

Louis W. Sullivan,

Secretary.

[FR Doc. 89-22170 Filed 9-19-89; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 90 and 94

[DA 89-767]

Private Radio Services; Editorial amendments of Parts 90 and 94 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended parts 90 and 94 to correct typographical errors and omissions, remove references to superceded rules, conform these rules to other rules and revise wording to clarify the affected sections.

EFFECTIVE DATE: June 29, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Roger D. Madden, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7597, or F. Ronald Netro, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau Chief's Order, DA 89-767, adopted June 29, 1989, and released July 14, 1989.

The full text of this Bureau Chief's decision is available for inspection and copying during normal business hours in the FCC Dockets Branch, (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order

On July 14, 1989, the FCC released an Order, DA 89-767, amending parts 90 and 94 of the Commission's Rules to incorporate editorial corrections and clarifications.

By this Order, the FCC corrected typographical errors and omissions, removed references to superceded rules, conformed these rules to other rules and revised wording to clarify the affected sections.

Ordering Clauses

Accordingly, it is ordered, that, under the authority contained in sections 4(i), 5(c)(1) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c)(1) and 303(r) and in § 0.331(a)(1) of the Commission's Rules, 47 CFR 0.331(a)(1), parts 90 and 94 are amended as set forth below.

It is further ordered that because these amendments clarify existing rules, this Order is effective June 29, 1989.

List of Subjects

47 CFR Part 90

Land mobile radio.

47 CFR Part 94

Microwave radio.

Ralph A. Haller,

Chief, Private Radio Bureau.

Parts 90 and 94 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 90—PRIVATE AND LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

§ 90.7 [Amended]

1. Section 90.7 is amended by changing the first word of the definition of average terrain from "Tha" to "The".

§ 90.19 [Amended]

2. Section 90.19(d) is amended by removing the first 154.650 MHz frequency listing and its accompanying class of station notation from the frequency table for Police Radio Service.

3. Section 90.19(f)(5)(ii) is amended by changing "460.5625-460.5125 MHz" to "465.0125-460.5125 MHz", and by changing "465.0125-460.5125 MHz" to "460.0125-465.5125 MHz" in the frequency table.

§ 90.65 [Amended]

4. Section 90.65(d)(4) is amended by changing the word "or" to "of" in the last sentence.

§ 90.75 [Amended]

5. In Section 90.75(c)(25)(viii), the table listing city and airport and the reference coordinates is amended as follows: For Albuquerque, NM, by changing the symbol following the longitude from the lower case Greek letter theta to "W"; for Fort Worth, TX, by changing the longitude from "97° 21' 44" W" to "97° 21' 41" W"; for Indianapolis, IN, by changing the latitude from "39° 43' 28" N" to "39° 43' 32" N" and the longitude from "86° 16' 60" W" to "86° 17' 02" W"; for Kahului, HI, by changing the longitude from "156° 25' 60" W" to "156° 25' 59" W"; for Pittsburgh, PA, Allegheny County, by changing the latitude from "40° 21' 17" N" to "40° 21' 16" N"; for Springfield, MA, Barnes Municipal, by changing the longitude from "72° 42' 58" N" to "72° 42' 58" W"; and for Wichita, KS, by changing the latitude from "37° 38' 06" N" to "37° 39' 00" N".

§ 90.79 [Amended]

6. Section 90.79(c) is amended by changing the word "indicated" to "indicates".

§ 90.89 [Amended]

7. Section 90.89(a)(4) is amended by inserting a comma after the word "transportation".

§ 90.93 [Amended]

8. Section 90.93(b) is amended by removing the asterisk in the "Limitations" column of the frequency table, for the frequency 152.270 MHz.

§ 90.95 [Amended]

9. Section 90.95(c) is amended by changing the frequency "452.550" MHz to "452.550" MHz in the table.

§ 90.125 [Amended]

10. Section 90.125(a) is amended by removing the asterisks from the first sentence.

§ 90.135 [Amended]

11.-12. Sections 90.135(d) and (e) are amended by changing the postal area code (zip code) from "17325" to "17326" wherever it appears.

§ 90.157 [Amended]

13. Section 90.157(a) is amended by changing the postal area code (zip code) from "17325" to "17326".

§ 90.177 [Amended]

14. Section 90.177(d)(1) is amended by changing the phrase "(−65.8 dBW/m² power flux density assuming a free space characteristic impedance of 120 times pi, or 377, ohms)".

§ 90.179 [Amended]

15. Section 90.179 is amended by changing the last word of paragraph (c) from "license" to "licensee", and by changing "listed" to "list" in the second sentence of paragraph (e).

§ 90.203 [Amended]

16. Section 90.203(b)(5) is amended by changing "(old Part 921)" to "(old Part 91)".

§ 90.205 [Amended]

17. In Section 90.205(b), the table is amended as follows:

a. The references to footnote 6, in row 10, and footnote 7, in row 12, are amended by changing from standard script to superscript.

b. The reference to footnote 11, in row 3, is amended by moving it from the column marked "Frequency range (megahertz)" to the column marked "Maximum output power".

c. Footnote 5 is amended by changing the last letter of the footnote from "P" to "Q".

d. Footnote 6 is amended by changing "Subparts M and S" to "Subpart S."

18. Section 90.207 is amended by changing the word "authorizd" in paragraph (c) to "authorized".

§ 90.209 [Amended]

19. Section 90.209 is amended as follows:

a. In paragraph (c)(2)(iii), change the phrase "at least 43 plus 10 log (mean output power in watts)" to "at least 43 plus 10 Log₁₀ (mean output power in watts) decibels".

b. In paragraph (d)(3), change the phrase "At least 43 plus 10 log₁₀" to "At least 43 plus 10 Log₁₀".

c. In paragraph (g)(2), change the phrase "(f_a in kHz)" to "(f_a in kHz)" and the phrase "50 plus 10 Log₁₀ (P)" to "50 plus 10 Log₁₀ (P) decibels".

d. In paragraphs (h)(1), (h)(2) and (h)(3), change the word "log" to "Log₁₀" wherever it appears.

e. In paragraph (h)(4), change the phrase "50 plus 10 log (P)" to "50 plus 10 Log₁₀ (P) decibels".

f. In paragraph (j)(1), change the phrase "((25/11) f_d²)" to "((25/11) f_d²)".

§ 90.241 [Amended]

20. In § 90.241(c), the paragraph is amended by changing "Subpart P" to "Subpart Q".

§ 90.257 [Amended]

21. Section 90.257 is amended in paragraph (a)(1) to remove footnote 1 and the associated footnote references adjacent to frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96 and 75.64 MHz in the frequency table, and by adding

"a" before "half-wave" in paragraph (b)(2).

§ 90.259 [Amended]

22. Section 90.259 is amended by adding the sentence "Operation in the band 216-220 MHz is also secondary to the maritime mobile service and operation in the band 1427-1429 MHz is also secondary to the space operation service (earth-to-space)." following the sentence "Use of these bands is limited to telemetering purposes only and all operation is secondary to Federal Government operations." The sentence "Base stations authorized in this band shall be used to perform telecommand functions with associated mobile telemetering stations." is revised to read "Base stations authorized in these bands shall be used to perform telecommand functions with associated mobile telemetering stations."

§ 90.269 [Amended]

24. Section 90.269(a)(1) is amended by changing the phrase "a 20F9 emission" to "20K00F7W, 20K00F7X, 20K00F8W, 20K00F8X, 20K00F9W or 20K00F9X emissions".

§ 90.273 [Amended]

24. Section 90.273(b) is amended by changing the longitude coordinates for Cleveland, OH from "81°41'5050" West" to "81°41'50" West" and by changing the longitude coordinates for Detroit, MI from "83°02'75" West" to "83°02'57" West".

§ 90.281 [Amended]

25. Section 90.281(b) is amended by changing "licenses" to "licensees".

§ 90.419 [Amended]

26. Section 90.419(e) is amended by changing "(see § 90.241)" to "(see § 90.242)".

27. Section 90.555(b) is amended by adding the frequency 454.000 MHz; by revising the frequencies 461.025 MHz, 466.025 MHz, 468.200 MHz, 469.525 MHz, 469.575 MHz, 469.600 MHz, and 469.675 MHz to read as follows:

§ 90.555 Combined frequency listing.

* * * * *

(b) * * *

Frequency	Services	Special limitations
454.000.....	IP	Oil spill.
461.025.....	IB	110 W.
466.025.....	IB	110 W, mobile.
468.200.....	IB	110 W, mobile.
469.525.....	IB	110 W, mobile.

Frequency	Services	Special limitations
469.575.....	IB	110 W, mobile.
469.600.....	IB	Do.
469.675.....	IB	Do.

28. Section 90.613 is amended by revising the introductory text of the section, by changing "Mobile frequency (MHz)" in the table to "Base frequency (MHz)", and by revising the frequency listings for channels 80, 160, 240 and 320 in the "Table of 896-901/935-940 MHz Channel Designations", to read as follows:

§ 90.613 Frequencies available.

The following table indicates the channel designations of frequencies available for assignment to eligible applicants under this subpart. Frequencies shall be assigned in pairs, with mobile and control station transmitting frequencies taken from the 806-824 MHz band with corresponding base station frequencies being 45 MHz higher and taken from the 851-869 MHz band, or with mobile and control station frequencies taken from the 896-901 MHz band with corresponding base station frequencies being 39 MHz higher and taken from the 935-940 MHz band. Only the base station transmitting frequency of each pair is listed in the table.

* * * * *

TABLE OF 896-901/935-940 MHz
CHANNEL DESIGNATIONS

Channel No.	Base frequency (MHz)
80.....	936.0000
160.....	937.0000
240.....	938.0000
320.....	939.0000

29. Section 90.617 is amended as follows:

a. Revise the section heading.

b. The number of channels in parentheses in the heading of Table 4a is changed from 80 to 280, and group numbers 209 in Table 1 and 226 in Table 4A are revised, to read as follows:

§ 90.617 Frequencies in the 809.750-824/854.750-869 MHz, and 896-901/935-940 MHz bands available for trunked or conventional system use in non-border areas.

TABLE 1.—CHANNELS (70 CHANNELS)
806-821/851-866 MHz BAND

Group No.	Channel Nos.
209.....	209-249-289-329-369
* * * * *	

TABLE 4A.—SMR CATEGORY 806-821/851-866 MHz BAND CHANNELS (280 CHANNELS):

Group No.	Channel Nos.
226.....	226-266-306-346-386
* * * * *	

§ 90.621 [Amended]

30. Section 90.621(g)(2)(i) is amended by removing the sentence "The 896-901/935-940 MHz band channel listed in the SMR pool are not available for conventional systems."

§ 90.629 [Amended]

31. Section 90.629(b) is amended by changing the postal area code (zip code) from "17325" to "17326" wherever it appears.

§ 90.651 [Amended]

32. Section 90.651 is amended by changing the postal area code (zip code) from "17325" to "17326" wherever it appears.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. The authority citation for Part 94 continues to read as follows:

Authority: Sections 4, 303, 48 STAT., as amended, 1066, 1082, 47 U.S.C. 154, 303, unless otherwise noted.

2. The table in § 94.65(g)(1) is amended to add the frequency pair 6528.7/6873.7 MHz as follows:

§ 94.65 Frequencies.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6528.7.....	6873.7
* * * * *	

3. The table in § 94.65(g)(2) is amended by changing the first frequency pair 6525.5/6870.5 MHz to 6525.9/6870.9 MHz, to read as follows:

§ 94.65 Frequencies.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6525.9.....	6870.9
* * * * *	

[FR Doc. 89-22056 Filed 9-19-89; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 5108 and 5152

Acquisition Regulations: Solicitations Provisions and Contract Clauses; Industrial Preparedness Planning

AGENCY: Department of the Army, DOD.
ACTION: Final Rule.

SUMMARY: The Defense Acquisition Regulatory Council approved for a three year test period, the final rule which revises the interim rule published at 54 FR 15474 dated April 18, 1989. The interim rule was a Department of the Army deviation to Defense Acquisition Regulation Supplement (DFARS) sections 208.070(b), 208.070(g) and part 252. There are three changes: (1) Change the definition to delete reference to the DD Form 1519 and to add reference to a Memorandum of Understanding and contractual commitments; (2) change procedure to permit differentiation between planned procedures by the degree of commitment required; and (3) permit the use of a contract clause to accomplish the government's obligation under the cost contract option.

EFFECTIVE DATE: September 20, 1989.

SUPPLEMENTARY INFORMATION:

A. Background

The interim rule solicited comments from interested parties. Comments were received from one respondent. As a result of that comment, the interim rule was revised and changed as follows:

1. The proposed definition of "Mobilization Base Planned Producer" in the interim rule is revised. The

revision divides the term into two new categories—"Limited Fee Planned Producer" and "Restricted Specified Base Planned Producer".

2. The proposed definition of "Planned Producer" in the interim rule is renamed "Memorandum of Understanding Planned Producer" and the definition is revised.

3. A clear clause prescription was added.

B. Regulatory Flexibility Act

No comments were received pursuant to paragraph B of the proposed rule which appeared at 54 FR 15474, April 18, 1989. Comments from small entities concerning the affected DFARS part will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite Deviation Case 89-903.

C. Paperwork Reduction Act

This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq. OMB approval was received for the DD Form 1519 TEST. See FR (54 6565)

List of Subjects in 48 CFR Parts 5108 and 5152

Government procurement, Industrial preparedness planning.

Mary Pearson,

Army AFARS Liaison with the Federal Register.

Therefore, 48 CFR parts 5108 and 5152 are added as follows:

1. The authority citation for 48 CFR Parts 5108 and 5152 read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DOD Directive 5000.35 and DOD FAR Supplement 201.301.

PART 5108—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Part 5108 consisting of section 5108.070 is added to read as follows:

5108.070 Definitions.

As used in this section:

"Memorandum of Understanding Planned Producer" means an industrial firm which has indicated its willingness to produce specified military items in a declared national emergency by completing a Memorandum of Understanding with an accompanying Industrial Preparedness Program Production Capacity Survey (DD Form 1519 TEST). The firm is eligible to be solicited for all buys of the item(s) over

\$25,000 excluding acquisitions for which competition is restricted to the Restricted Specified Base or Limited Fee Planned Producers in accordance with an approved Justification and Approval.

"Limited Fee Planned Producer" means an industrial firm which is contractually bound by inclusion of AFARS 5152.208-9001 in their contract to maintain production capacity for a negotiated length of time, to conduct subcontractor planning, and to produce specified military items in the event of a declared national emergency or in the event of a declared national emergency or contingencies short of a declared national emergency. The firm is eligible to be solicited for all buys of the item(s) over \$25,000 except acquisitions for which competition is restricted to the Restricted Specified Base in accordance with an approved Justification and Approval.

"Restricted Specified Base Planned Producer" means an industrial firm which is contractually bound to maintain production capacity for a negotiated length of time, to conduct subcontractor planning, and to produce specified military items in the event of a declared national emergency, or contingencies short of a declared national emergency. The firm is eligible to be solicited for all buys of the item(s) over \$25,000.

(g)(1)(i) Solicitation of Memorandum of Understanding Planned Producers in all acquisitions over \$25,000 which are for items for which they have been designated as a Memorandum of Understanding Planned Producer except those restricted to the Restricted Specified Base Planned Producers or Limited Fee Planned Producers in accordance with an approved Justification and Approval.

(ii) Solicitation of Limited Fee Planned Producers in all acquisitions over \$25,000 which are for items for which they have been designated as a Limited Fee Planned Producer, except those restricted to the Restricted Specified Base.

(iii) Solicitation of Restricted Specified Base Planned Producers in all acquisitions over \$25,000 which are for items for which they have been designated as a Restricted Specified Base Planned Producer.

(g)(4) The clause at 5152.208-9001 is to be used for all contracted planning efforts.

3. Part 5152 consisting of section 5152.208-9001 is added to read as follows:

PART 5152—SOLICITATIONS PROVISIONS AND CONTRACT CLAUSES

5152.208-9001 Industrial preparedness planning.

As prescribed at 5108-070(g)(4) insert the following clause in full text in contracts where the contractor is designated a Limited Fee Planned Producer.

Industrial Preparedness Planning (XXX1989) (DEV)

(a) The Government designates the contractor a Limited Fee Planned Producer (LFPP) for the item(s) listed in subparagraph (e) below. As an LFPP for the listed items, the contractor will be solicited for all acquisitions over \$25,000 which are for the item(s), excluding those for which competition is restricted to the Restricted Specified Base pursuant to an approved Justification and Approval. The Government reserves the right to obtain the item(s) listed from sources other than the commercial marketplace, i.e. by assigning workload to a government-owned facility.

(b) The Contractor agrees to

(i) Update the Production Capacity Survey DD Form 1519 TEST for each item biennially;

(ii) Accomplish subcontractor planning as required in subparagraph (f) below;

(iii) Permit Government personnel access to records, manufacturing process data, plants and facilities in order to verify data on the Production Capacity Survey DD Form 1519 TEST.

(iv) Maintain the surge/mobilization capacity set forth in the Production Planning Schedules during active production of the item and for a period of (negotiated number) years after physical completion of this production contract.

(c) The Contractor is aware of the Government's dependence upon the Production Planning Schedules as a basis to take appropriate measures to ensure the adequacy of the United States Industrial Base. The Contractor also recognizes the Government's intention to convert Production Planning Schedule to contracts on a selective basis, as may be required to minimize materiel shortages during mobilization or to meet contingencies short of a declared national emergency. The Contractor agrees to accept contracts for the item(s) in accordance with the Production Planning Schedules. In the event mobilization or contingencies short of a declared national emergency occur after active production has ceased, and the allocated capacity is in use for the production of other item(s), the Contractor agrees to immediately discontinue production of such other item(s) if necessary to meet production schedules for the planned item(s). The Contractor further recognizes that it is the Government's intention to require that planned subcontractor support will be similarly converted to production subcontracts. Production delivery obligations under this clause are governed by Title I of the Defense Production Act of 1950, as amended (50 U.S.C. app. 2061, et seq.) (Defense Production Act) and as applicable

are within the purview of the Defense Priorities and Allocation System.

(d) For the listed item(s), the Contractor certifies by signing this contract that the plant capacity required to support the mobilization quantity listed on the Production Capacity Survey DD Form 1519 TEST will be dedicated exclusively for the production of that item at mobilization. Furthermore, the Contractor certifies that this capacity is not shared by any other mobilization production requirements.

(e) This clause covers the item(s) listed below:

Item schedule No.	Item nomenclature (sample)
M11111	Fuze, Rocket MK987.
M22222	Machine Gun, MK35.

(f) Subcontractors, suppliers and vendors provide many of the components of military end items. The lack of critical components could be one of the major limitations of the United States' ability to support its Armed Forces warfighting capabilities. Therefore, the Government designated critical components and/or subassemblies in Block #27 of the attached Production Capacity Survey (DD Form 1519 TEST) are those for which the Contractor will conduct vertical planning if not produced in-house. Additional critical components and/or subassemblies may be identified by the Contractor in block #21 of the attached Production Capacity Survey (DD Form 1519 TEST). Foreign producers (other than Canada) will not be considered as a source of supply for critical components. Mandatory vertical (subcontractor) planning will be accomplished by the ASPPO and the Contractor for all critical components identified on the Production Capacity Survey, (DD Form 1519 TEST), by using a sub-tier Production Capacity Survey (DD Form 1519 TEST). The Contractor agrees to coordinate completion of the DD Form 1519 TEST and finalize prime and subcontractor planning with the Armed Services Production Planning Officer (ASPPO) having cognizance over the prime contractor's facility.

(g) After completion of active production of the item(s), the Government will annually, or as changes occur but not more than annually, furnish the Contractor updated technical data for the item. The Contractor agrees to review the technical data and to report to the Government within 60 days of receipt of the data, the impact of technical changes, if any, to the current Production Planning Schedules at no additional cost to the Government.

(h) Retention by the Contractor of the surge/mobilization capacity set forth in the Production Planning Schedules after completion of active production of the planned item(s) will not necessarily require that the Contractor maintain such capacity in idle status. Contractor utilization of capacity allocated for planned production for production of other non-planned items is consistent with the intent of any postproduction provisions of this contract, provided no degradation of surge/mobility

capacity occurs as a result, and provided that the approval of the Contracting Officer with property cognizance is obtained for the use of any Government-owned property.

[FR Doc. 89-21586 Filed 9-19-89; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. T84-01; Notice 20]

RIN 2127-AC96

Final Listing of High Theft Lines for 1990 Model Year; Motor Vehicle Theft Prevention Standard

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

ACTION: Final rule; technical amendment.

SUMMARY: The purpose of this notice is to (1) report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the 1990 model year, and (2) publish a list of those car lines. NHTSA has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lists, as well as thirteen new lines that were introduced for the 1990 model year and that have been selected as likely high theft lines. In addition, this listing shows the seven new lines that have standard equipment anti-theft devices and have been granted exemptions from complying with the requirements of the theft prevention standard beginning with the 1990 model year. Two more car lines have been exempted in part and are required to have only their engines and transmissions marked. This final listing for the 1990 model year is intended to inform the public, particularly law enforcement groups, of the car lines that are subject to the marking requirements of the theft prevention standard for the 1990 model year.

EFFECTIVE DATE: This listing applies to the 1990 model year. The amendment made by this notice is effective September 20, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Kurtz, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202-366-4808).

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541, sets forth requirements for inscribing or affixing identification numbers onto covered original equipment major parts, and the replacement parts for those original equipment parts, on all vehicles in lines selected as high theft lines.

Section 603(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2023(a)(2); hereinafter "the Cost Savings Act") specifies that NHTSA shall select the high theft lines, with the agreement of the manufacturer, if possible. In accordance with procedures published in 49 CFR part 542, NHTSA previously selected twenty-two of the new 1990 car lines as likely to be high theft lines. The newly selected lines are set forth in this listing, along with all those lines that had been selected as high theft lines and listed in prior model years.

Section 603(d) of the Cost Savings Act (15 U.S.C. 2023(d)) provides that the theft prevention standard must continue to apply to each line that has been selected as a high theft line, unless that line is exempted under section 605 of the Cost Savings Act (15 U.S.C. 2025). Section 605 provides that a manufacturer may petition to have a high theft line exempted from the requirements of part 541, if the line is equipped as standard equipment with an anti-theft device. The exemption is granted if NHTSA determines that the anti-theft device is likely to be as effective as compliance with part 541 in reducing and deterring motor vehicle thefts. Pursuant to this statutory provision, NHTSA has exempted nine of the twenty-two high theft car lines from the parts marking requirements of part 541. Seven of these nine car lines are exempted in full from part 541 and two of the nine are exempted in part.

This notice is intended to inform the public, particularly law enforcement groups, of the high-theft car lines for the 1990 model year, and of those car lines that are exempted from the theft prevention standard for the 1990 model year because of standard equipment anti-theft devices.

The car lines listed as being subject to the standard have been selected as high theft lines in accordance with the procedures of 49 CFR part 542 and section 603 of the Cost Savings Act. Under these procedures, manufacturers evaluate new car lines to conclude whether those new lines are likely to have high theft rates. 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 parts marking. 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 these preliminary determinations. Within 60 days of the receipt of the request, NHTSA 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 car lines on the high theft list is the subject of a final determination.

Similarly, the car lines listed as being exempt from the standard have been exempted in accordance with the procedures of 49 CFR part 543 and section 605 of the Cost Savings Act. Therefore, since this revised listing only informs the public of previous agency actions, and does not impose any 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.

For the same reasons, NHTSA also finds for good cause that notice and opportunity for comment on this listing are unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by Title VI, and is unnecessary after the selections and exemptions have been made in accordance with the statutory criteria.

Regulatory Impacts

NHTSA has determined that this rule listing the car lines that are high theft and are subject to the requirements of the vehicle theft prevention standard and the car lines that are exempt from the standard is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. As noted above, the selections have been made in accordance with the provisions of the Cost Savings Act, and the manufacturers of the selected lines have already been informed that those lines are subject to the requirements of part 541 for the 1990 model year. Further, this listing does not actually exempt lines from the requirements of part 541; it only informs the general public of all such exemptions. Since the only purpose of this final listing is to inform the public of prior agency action for the 1990 model