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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA-2014-0059]

RIN: 2127-AL50

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2015 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2015

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

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year (MY) 2015 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 antitheft devices determined to meet certain statutory criteria.

DATES: The amendment made by this final rule is effective [insert date of publication in the Federal Register].

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, S.E., (NVS-131, Room W43-302) Washington, D.C. 20590. Ms. Proctor's telephone number is (202) 366-4807. Her fax number is (202) 493-0073.

SUPPLEMENTARY INFORMATION: The theft prevention standard (49 CFR Part 541) 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 LDT lines with a GVWR of 6,000 pounds or less.

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 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 §33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of §33104, if the line is equipped with an antitheft device meeting certain conditions 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 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 2015, 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 2015, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include nine vehicle lines newly exempted in full. The ten exempted vehicle lines are the BMW X4, Chrysler 200, Ford Fiesta, Subaru WRX, Cadillac SRX, Honda Accord, Jaguar Land Rover Discovery Sport, Nissan NV200 Taxi, Toyota Highlander and the Volkswagen Audi Q3.

Subsequent to publishing the July 23, 2013 final rule (See 78 FR 44030), the agency also granted two petitions for exemption in full to Porsche Cars North America, Inc., and Tesla Motors, Inc., for the Macan and Model X vehicle lines respectively, beginning with their MY 2014 vehicles.

We note that the agency also removes from the list being published in the Federal Register each year certain vehicles lines that have been discontinued more than 5 years ago. Therefore, the agency is removing the Mercury Sable, Ford Taurus X, Saturn Aura, Kia Amanti, and the Suzuki XL-7 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 re-publishing 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"¹, 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

¹ See 61 FR 4729, February 7, 1996.

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:

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 X4 ¹ X5 Z4 1 Car Line 3 Car Line 4 Car Line 5 Car Line 6 Car Line 7 Car Line
CHRYSLER.....	300C Jeep Cherokee Fiat 500 Town and Country MPV Jeep Grand Cherokee Jeep Patriot Jeep Wrangler Dodge Charger Dodge Challenger Dodge Dart Dodge Journey Dodge Magnum (2008)
FORD MOTOR CO	C-Maxx Edge

Manufacturer	Subject Lines
	Escape Explorer Fiesta ¹ Focus Fusion Lincoln Town Car Mustang Mercury Mariner Mercury Grand Marquis Mercury Sable Taurus Taurus X
GENERAL MOTORS	Buick Lucerne Buick LaCrosse Buick Verano Cadillac ATS Cadillac CTS Cadillac DTS/Deville Cadillac SRX ¹ Cadillac XTS/Deville Chevrolet Camaro Chevrolet Cobalt (2005-2010) Chevrolet Corvette Chevrolet Cruze Chevrolet Equinox Chevrolet Impala/Monte Carlo Chevrolet Malibu Chevrolet Sonic GMC Terrain Pontiac G6 Saturn Aura
HONDA	Accord ¹ Civic
HYUNDAI	Acura TL Azera Genesis
JAGUAR	Equus (originally codenamed VI) F-Type XJ XK
KIA.....	Land Rover Discovery Sport ¹ Land Rover LR2 Land Rover Range Rover Evoque Amanti

Manufacturer	Subject Lines
MASERATI.....	Quattroporte
MAZDA	2
	3
	5
	6
	CX-5
	CX-7
	CX-9
	MX-5 Miata
	Tribute
MERCEDES-BENZ.....	smart USA fortwo
	SL-Line Chassis (SL-Class)
	(the models within this line are):
	SL550
	SL55
	SL 63/AMG
	SL 65/AMG
	SLK-Line Chassis (SLK-Class)
	(the models within this line are):
	SLK 250
	SLK 300
	SLK 350
	SLK 55 AMG
	S-Line Chassis (S-Class/CL-Class)
	(the models within this line are):
	S450
	S500
	S550
	S600
	S55
	S63 AMG
	S65 AMG
	CL55
	CL65
	CL500
	CL550
	CL600
	NGCC Chassis Line (CLA- Class)
	(the models within this line are):
	CLA250
	CLA250 4MATIC
	CLA45 4MATIC AMG
	C-Line Chassis (C-Class/CLK/GLK-Class)
	(the models within this line are):
	C63 AMG
	C240

Manufacturer	Subject Lines
	C250 C300 C350 CLK 350 CLK 550 CLK 63AMG GLK250 GLK350 E-Line Chassis (E-Class/CLS Class) (the models within this line are): E55 E63 AMG E320 BLUETEC E350 BLUETEC E320/E320DT CDi E350/E500/E550 E400 HYBRID CLS500/CLS55
MITSUBISHI	Eclipse Endeavor Galant iMiEV Lancer Outlander Outlander Sport Mirage
NISSAN	Altima Cube Juke Leaf Maxima Murano NV200 Taxi ¹ Pathfinder Quest Rogue Sentra Versa (2008-2011) Versa Hatchback Versa Note Infiniti G (2003-2013) Infiniti Q50/60 ³

Manufacturer	Subject Lines
PORSCHÉ	Infiniti QX60 Infiniti M Infiniti Q70 ⁴ 911 Boxster/Cayman Macan ² Panamera
SAAB	9-3 9-5
SUBARU	Forester Impreza Legacy B9 Tribeca Outback WRX ¹ XV Crosstrek
SUZUKI	Kizashi XL-7
TESLA	Model S Model X ²
TOYOTA.....	Camry Corolla Highlander ¹ Lexus ES Lexus GS Lexus LS Lexus SC Prius RAV4
VOLKSWAGEN	Audi A3 Audi A4 A4 Allroad MPV Audi A6 Audi A8 Audi Q3 ¹ Audi Q5 Beetle Eos Golf/Rabbit/GTI/R Jetta

Manufacturer	Subject Lines
VOLVO.....	New Beetle (renamed "Beetle" in MY 2012) Passat Tiguan S60

¹ Granted an exemption from the parts marking requirements beginning with MY 2015.

² Granted an exemption from the parts marking requirements beginning with MY 2014.

³ The nameplate for the Infiniti G vehicle line was changed to the Infiniti Q50/60 vehicle line beginning with MY 2014.

⁴ The nameplate for the Infiniti M was changed to the Infiniti Q70 beginning with MY 2014.

Under authority delegated in 49 CFR part 1.95

David M. Hines
Acting Associate Administrator for Rulemaking

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