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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA-2016-0046]

RIN 2127-AL72

**Federal Motor Vehicle Theft Prevention Standard; Final Listing
of 2017 Light Duty Truck Lines Subject to the Requirements of This Standard
and Exempted Vehicle Lines for Model Year 2017**

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

ACTION: Final rule.

SUMMARY: This final rule announces the annual update to the listings of light duty truck lines subject to the requirements and vehicle lines exempted from the requirements in the theft prevention standard. Specifically, this final rule announces that there were no new light-duty truck (LDT) lines added because none became subject to the theft prevention standard for MY 2017. This final rule also identifies those vehicle lines exempted from parts marking requirements and removes the names of vehicle lines whose production has been discontinued more than 5 years.

DATES: This final rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Hisham Mohamed, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New Jersey Avenue, S.E., (NRM-310, Room W43-437) Washington, D.C. 20590. Mr. Mohamed's telephone number is 202-366-0307. His fax number is 202-493-2990.

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 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 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, 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 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 lists those vehicle lines that are or have been exempted from the theft prevention standard.

For MY 2017, 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. However, appendix A to part 541 is amended to remove two vehicle lines that have been discontinued more than 5 years ago: the Chevrolet S-10 and the GMC Sonoma.

For MY 2017, appendix A-1 identifies those vehicle lines that have been exempted by the agency from the parts-marking requirements of part 541 and is amended to include eleven vehicle lines newly exempted in full. The eleven exempted vehicle lines are the BMW MINI Countryman (MPV), Chevrolet Bolt, Fiat 124 Spyder, Honda Pilot, Hyundai IONIQ, Jaguar XE, Jeep Compass, Lexus RX, Lincoln MKC, Maserati Levante (MPV) and the Tesla Model 3.

The agency is removing the Lincoln Town Car, Mercury Mariner, Mercury Grand Marquis, Buick Lucerne, Pontiac G6, Saturn Aura, Mazda Tribute and Nissan Versa (2008-2011), vehicle lines from the appendix A-I listing because they have been discontinued more than 5 years ago. The agency is also removing the Cadillac Eldorado, Cadillac Concours, Oldsmobile Ninety-Eight, Pontiac Firebird, Chevrolet Camaro (1990-2002) and Oldsmobile Eighty-Eight vehicle lines from the appendix A-II listing because they have also been discontinued more than 5 years ago. The agency will continue to maintain a comprehensive database of all exemptions on our website. 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 good cause under 5 U.S.C. 553(b)(3)(B) 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 good cause under 5 U.S.C. 553(d)(3) that the amendment made by this document should be effective as soon as it is published in the Federal Register.

Regulatory Impacts

A. Executive Order 12866, Executive Order 13563 and the Department of Transportation's regulatory policies provide for making determinations on whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Orders. 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. Executive Order 13771

Executive Order 13771 titled “Reducing Regulation and Controlling Regulatory Costs,” directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, “Regulatory Planning and Review,” are subject to these requirements. As discussed above, this rule is not a significant rule under Executive Order 12866 and, accordingly, is not subject to the offset requirements of Executive Order 13771.

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 as it merely informs the public about previous agency actions. 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. As discussed above, this final rule only provides better information to the public about previous agency actions.

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 as it only informs the public of previous agency actions. In accordance with section 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. Title 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 is revised to read as follows:

Authority: 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.95.

Appendix A to Part 541 – [Removed and Reserved]

2. Appendix A to part 541 is removed and reserved.

3. Appendix A-I to part 541 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 MINI Countryman (MPV) ¹ X1 (MPV) X1 Car Line (2012-2015) X3 X4 X5 Z4 1 Car Line 3 Car Line 4 Car Line 5 Car Line 6 Car Line 7 Car Line
CHRYSLER.....	200
Manufacturer	Subject Lines
	300C Dodge Charger Dodge Challenger Dodge Dart Dodge Journey

	Fiat 500
	Jeep Cherokee
	Jeep Compass ¹
	Jeep Grand Cherokee
	Jeep Patriot
	Jeep Wrangler
	Town and Country MPV
FORD MOTOR CO	C-Max
	Edge
	Escape
	Explorer
	Fiesta
	Focus
	Fusion
	Lincoln MKC ¹
	Lincoln MKX
	Mustang
	Taurus
GENERAL MOTORS	Buick LaCrosse/Regal
	Buick Verano
	Cadillac ATS
	Cadillac CTS
	Cadillac DTS
	Cadillac SRX
	Cadillac XTS
	Chevrolet Bolt ¹
	Chevrolet Camaro
	Chevrolet Corvette
	Chevrolet Cruze
	Chevrolet Equinox
	Chevrolet Impala/Monte Carlo
	Chevrolet Malibu
	Chevrolet Sonic
	Chevrolet Spark
	GMC Terrain
HONDA	Accord
	Acura TL
	Civic
	CRV
	Pilot ¹
HYUNDAI	Azera

Manufacturer	Subject Lines
JAGUAR	Equus Genesis IONIQ ¹ F-Type XE ¹ XF XJ XK Land Rover Discovery Sport Land Rover LR2 Land Rover Range Rover Evoque
MASERATI.....	Ghibli Levante (SUV) ¹
MAZDA	Quattroporte 2 3 5 6 CX-3 CX-5 CX-7 CX-9
MERCEDES-BENZ.....	Fiat 124 Spyder ¹ MX-5 Miata smart USA fortwo smart Line Chassis SL-Line Chassis (SL-Class) (the models within this line are): SL400 SL550 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/CL/S-Coupe Class) (the models within this line are): S450 S500 S550 S600 S55 S63 AMG

Manufacturer	Subject Lines
	S65 AMG CL55 CL65 CL500 CL550 CL600 NGCC Chassis Line (CLA/GLA/B- Class) (the models within this line are): B250e CLA250 CLA250 4MATIC CLA45 4MATIC AMG GLA250 GLA45 AMG C-Line Chassis (C-Class/CLK/GLK-Class) (the models within this line are): C63 AMG C240 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 CLS400 CLS500 CLS55 AMG CLS63 AMG
MITSUBISHI	Eclipse Endeavor Galant iMiEV Lancer Outlander Outlander Sport

Manufacturer	Subject Lines
NISSAN	Mirage Altima Cube Juke Leaf Maxima Murano NV200 Taxi Pathfinder Quest Rogue Sentra Versa Hatchback Infiniti G (2003-2013) Infiniti M (2004-2013) Infiniti Q70 Infiniti Q50/60 Infiniti QX60
PORSCHE	911 Boxster/Cayman Macan Panamera
SAAB	9-3 9-5
SUBARU	Forester Impreza Legacy B9 Tribeca Outback WRX XV Crosstrek
SUZUKI	Kizashi
TESLA	Model 3 ¹ Model S Model X
TOYOTA.....	Camry Corolla Highlander Lexus ES Lexus GS Lexus LS Lexus RX ¹ Prius RAV4 Sienna

Manufacturer	Subject Lines
VOLKSWAGEN	Audi A3 Audi A4 A4 Allroad MPV Audi A6 Audi A8 Audi Q3 Audi Q5 Audi TT Beetle Eos Golf/Rabbit/GTI/R32 Jetta Beetle Passat Tiguan
VOLVO.....	S60

¹ Granted an exemption from the parts marking requirements beginning with MY 2017.

Appendix A-II to Part 541 – [Removed and Reserved]

4. Appendix A-II to part 541 is removed and reserved.

Issued in Washington, D.C., under authority delegated in 49 CFR 1.95 and 501.5.

Heidi R. King,
Deputy Administrator.