

## PART 1817—SPECIAL CONTRACTING METHODS

■ 2. Revise section 1817.204 to read as follows:

### 1817.204 Contracts.

(e)(i) The 5-year limitation (basic plus option periods) applies to all NASA contracts regardless of type and other procurement award instruments. This includes agreements (e.g. basic ordering agreements, blanket purchase agreements), interagency acquisitions, and orders placed under agreements or awarded under a Federal Supply Schedule or other indefinite delivery/indefinite quantity contracts awarded by other agencies.

(ii) When the performance period exceeds 5 years (exclusive of options), the program/project office and the contracting officer shall review the requirement at the mid-point of the performance period to ensure that the products or services continue to fulfill NASA's mission needs and that the procurement award instrument continues to provide the best means of satisfying the requirement.

(iii) Requests for deviations from the 5-year limitation policy shall be sent to the Assistant Administrator for Procurement (Code HS) and shall include justification for exceeding five years. The justification shall discuss planned future assessment of continued performance either prior to exercise of options or at the mid-term of a basic contract with no options. Evidence shall also be included showing that the extended years can be reasonably priced.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 541

[Docket No. NHTSA-04-17071]

RIN 2127-AJ28

#### Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 2005 High-Theft Vehicle Lines

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

**ACTION:** Final rule.

**SUMMARY:** This final rule announces NHTSA's determination for model year (MY) 2005 high-theft vehicle lines that

are subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard, and high-theft MY 2005 lines that are exempted from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria pursuant to the statute relating to motor vehicle theft prevention.

**EFFECTIVE DATE:** The amendment made by this final rule is effective March 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTARY INFORMATION:** The Anti Car Theft Act of 1992, Pub. L. 102-519, amended the law relating to the partsmarking 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 more than one-half of the lines not designated under 49 U.S.C. 33104 as high-theft lines." NHTSA lists each of the selected lines not designated under 49 U.S.C. 33104 as high-theft lines in Appendix B to part 541. Since § 33103 did not specify marking of replacement parts for below-median lines, the agency does not require marking of replacement parts for these 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, 1994].

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 in Appendix A to part 541. It also identifies in Appendix A-I to part 541 those lines that are exempted from the theft prevention standard for a given model year under § 33104. Additionally, this listing identifies those lines (except light-duty trucks) in Appendix B to part 541 that have theft rates below the 1990/1991 median theft rate but are subject to the requirements of this standard under § 33103.

On July 2, 2003, the final listing of high-theft lines for the MY 2004 vehicle lines was published in the **Federal Register** (68 FR 39471). The final listing identified two vehicle lines, the Toyota Scion xA and Scion xB that were listed for the first time and became subject to the theft prevention standard beginning with the 2004 model year.

For MY 2005, there were no new vehicle lines identified as likely to be high-theft lines, in accordance with the procedures published in 49 CFR part 542.

The vehicle lines listed as being subject to the parts-marking standard have previously been designated 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.

The list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 includes a high-theft line newly exempted in full beginning with MY 2005. The vehicle line newly exempted in full is the DaimlerChrysler Corporation's (DaimlerChrysler) Town and Country MPV. The agency granted DaimlerChrysler's petition for an exemption of its Town and Country MPV from the parts-marking requirements of the Federal Motor Vehicle Theft Prevention Standard beginning with the 2005 model year (68 FR 46676, August 6, 2003). Subsequent to publishing the 2004 final rule, the agency granted BMW of North America, Inc.'s petition for an exemption of its Carline 6 from the parts-marking requirements beginning with the 2004 model year (68 FR 69127, December 11, 2003). Accordingly, the listing has been amended to reflect that two lines previously designated as high-theft lines have been deleted from Appendix A and added to Appendix A-I. 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.

Similarly, the low-theft lines listed as being subject to the parts-marking standard have previously been designated in accordance with the procedures set forth in 49 U.S.C. 33103.

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 2005. 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 actions for MY 2005 that the agency has already taken, 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 already subject to the requirements of 49 CFR Part 541 for MY 2005. 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 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. 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 and AI are revised. Appendices A and AI 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 Z8

Manufacturer	Subject lines
CONSULIER .....	Consulier GTP
DAEWOO .....	Korando
	Musso (MPV)
	Nubira (2000–2002)
DAIMLERCHRYSLER .....	Chrysler Cirrus
	Chrysler Fifth Avenue/Newport
	Chrysler Laser
	Chrysler LeBaron/Town & Country
	Chrysler LeBaron GTS
	Chrysler's TC
	Chrysler New Yorker Fifth Avenue
	Chrysler Sebring
	Dodge 600
	Dodge Aries
	Dodge Avenger
	Dodge Colt
	Dodge Daytona
	Dodge Diplomat
	Dodge Lancer
	Dodge Neon
	Dodge Shadow
	Dodge Stratus
	Dodge Stealth
	Eagle Summit
	Eagle Talon
	Jeep Cherokee (MPV)
	Jeep Liberty (MPV)
	Jeep Wrangler (MPV)
	Plymouth Caravelle
	Plymouth Colt
	Plymouth Laser
	Plymouth Gran Fury
	Plymouth Neon
	Plymouth Reliant
	Plymouth Sundance
	Plymouth Breeze
FERRARI .....	Mondial 8
FORD .....	328
	Ford Aspire
	Ford Escort
	Ford Probe
	Ford Thunderbird
	Lincoln Continental
	Lincoln Mark
	Mercury Capri
	Mercury Cougar
	Merkur Scorpio
	Merkur XR4Ti
GENERAL MOTORS .....	Buick Electra
	Buick Reatta
	Buick Skylark
	Chevrolet Nova
	Chevrolet Blazer (MPV)
	Chevrolet Prizm
	Chevrolet S–10 Pickup
	Geo Storm
	Chevrolet Tracker (MPV)
	GMC Jimmy (MPV)
	GMC Sonoma Pickup
	Oldsmobile Achieva (1997–1998)
	Oldsmobile Bravada
	Oldsmobile Cutlass
	Oldsmobile Cutlass Supreme (1988–1997)
	Oldsmobile Intrigue
	Pontiac Fiero
	Saturn Sports Coupe (1991–2002)
HONDA .....	Accord
	CRV (MPV)
	Odyssey (MPV)
	Passport
	Pilot (MPV)
	Prelude
	S2000
	Acura Integra

Manufacturer	Subject lines
HYUNDAI .....	Acura MDX (MPV) Acura RSX Accent Sonata
ISUZU .....	Tiburon Amigo Impulse Rodeo Rodeo Sport Stylus Trooper/Trooper II VehiCross (MPV)
JAGUAR .....	XJ
KIA MOTORS .....	Optima Rio Sephia (1998–2002) Spectra
LOTUS .....	Elan
MASERATI .....	Biturbo Quattroporte 228
MAZDA .....	626 (1987–2002) MX-3 MX-5 Miata MX-6
MERCEDES-BENZ .....	190 D 190 E 260E (1987–1989) 300 SE (1988–1991) 300 TD (1987) 300 SDL (1987) 300 SEL 350 SDL (1990–1991) 420 SEL (1987–1991) 560 SEL (1987–1991) 560 SEC (1987–1991) 560 SL
MITSUBISHI .....	Cordia Eclipse Lancer Mirage Montero (MPV) Montero Sport (MPV) Tredia 3000GT
NISSAN .....	240SX Sentra/200SX Xterra
PEUGEOT .....	405
PORSCHE .....	924S
SUBARU .....	XT SVX Baja Forester
SUZUKI .....	Legacy Outback (1995–2004) Aerio X90 (MPV) Sidekick (1997–1998)
TOYOTA .....	Vitara/Grand Vitara (MPV) Toyota 4-Runner (MPV) Toyota Avalon Toyota Camry Toyota Celica Toyota Corolla/Corolla Sport Toyota Echo Toyota Highlander (MPV) Toyota Matrix (MPV) Toyota MR2 Toyota MR2 Spyder Toyota Prius Toyota RAV4 (MPV) Toyota Sienna (MPV) Toyota Tercel Lexus IS300

Manufacturer	Subject lines
VOLKSWAGEN .....	Lexus LX470 (MPV) Lexus RX300 (MPV) Scion xA Scion xB Audi Quattro Volkswagen Scirocco

**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 .....	MINI X5 Z4 3 Car Line 5 Car Line 6 Car Line <sup>1</sup> 7 Car Line 8 Car Line
DAIMLERCHRYSLER .....	Jeep Grand Cherokee Chrysler Conquest Chrysler Imperial Chrysler Town and Country MPV <sup>2</sup>
FORD .....	Lincoln Town Car Mustang Mercury Sable (2001–2004) Mercury Grand Marquis Taurus (2000–2004)
GENERAL MOTORS .....	Buick LeSabre Buick Park Avenue Buick Regal/Century Buick Riviera Cadillac Allante Cadillac Deville Cadillac Seville Chevrolet Cavalier Chevrolet Classic <sup>3</sup> Chevrolet Corvette Chevrolet Impala/Monte Carlo Chevrolet Lumina/Monte Carlo (1996–1999) Chevrolet Malibu (2001–2003) Chevrolet Venture Oldsmobile Alero Oldsmobile Aurora Oldsmobile Toronado Pontiac Bonneville Pontiac Grand Am Pontiac Grand Prix Pontiac Sunfire
HONDA .....	Acura CL Acura Legend (1991–1996) Acura NSX Acura RL Acura SLX Acura TL Acura Vigor (1992–1995)
ISUZU .....	Axiom Impulse (1987–1991)
JAGUAR .....	XK
MAZDA .....	6 929 RX-7 Millenia
MERCEDES-BENZ .....	124 Car Line (the models within this line are): 260E 300D 300E 300CE 300TE 400E 500E 129 Car Line (1993–2002)—the models within this line are:

Manufacturer	Subject lines
	300SL 500SL 600SL SL320 SL500 SL600 202 Car Line (the models within this line are): C220 C230 C280 C36 C43
MITSUBISHI .....	Galant Starion
NISSAN .....	Diamante Nissan Altima Nissan Maxima Nissan Pathfinder Nissan 300ZX Infiniti G35 Infiniti I30 Infiniti J30 Infiniti M30 Infiniti M45 Infiniti QX4 Infiniti Q45
PORSCHE .....	911 928 968
SAAB .....	986 Boxster 9-3
TOYOTA .....	900 (1994-1998) 9000 (1989-1998) Toyota Supra Toyota Cressida Lexus ES Lexus GS Lexus LS Lexus SC
VOLKSWAGEN .....	Audi 5000S Audi 100/A6 Audi 200/S4/S6 Audi Allroad Quattro (MPV) Audi Cabriolet Volkswagen Cabrio Volkswagen Corrado Volkswagen Golf/GTI Volkswagen Jetta/Jetta III Volkswagen Passat

<sup>1</sup> Line exempted in full beginning with MY 2004.

<sup>2</sup> Line exempted in full beginning with MY 2005.

<sup>3</sup> The Chevrolet Malibu (produced from MY 1997-2003) was renamed the Chevrolet Classic beginning with MY 2004.

Issued on: February 24, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 001005281-0369-02; I.D. 022604B]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction**

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason action; trip limit reduction.

**SUMMARY:** NMFS reduces the commercial trip limit of Atlantic group Spanish mackerel in or from the exclusive economic zone (EEZ) in the southern zone to 1,500 lb (680 kg) per day. This trip limit reduction is necessary to maximize the socioeconomic benefits of the quota.

**DATES:** Effective 6 a.m., local time, March 1, 2004, through March 31, 2004, unless changed by further notification in the **Federal Register**.