

the allegedly unauthorized carrier notifies the complaining subscriber of the requirements of this paragraph, whichever is later; and a failure to file such a complaint within this 30-day time period will result in the charges removed pursuant to paragraph (b) of this section being reinstated on the subscriber's bill and, consequently, the complaining subscriber will only be entitled to remedies for the alleged unauthorized change other than those provided for in § 64.1140(b)(1). * * *

■ 7. Section 64.1190 is amended by revising the first sentence in paragraph (c), and the second sentence in paragraph (d)(3)(ii)(B), to read as follows:

§ 64.1190 Preferred carrier freezes.

(c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA toll, and interLATA toll) subject to a preferred carrier freeze. * * *

(d) * * *

(3) * * *

(ii) * * *

(B) * * * To the extent that a jurisdiction allows the imposition of preferred carrier selections (e.g., for local exchange, intraLATA toll, and interLATA toll), the authorization must contain separate statements regarding the particular selections to be frozen; * * *

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA-2007-28874]

Final Theft Data; Motor Vehicle Theft Prevention Standard

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

ACTION: Publication of final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 2005 passenger motor vehicles that occurred in calendar year (CY) 2005. The final 2005 theft data indicate an increase in the vehicle theft rate experienced in CY/MY 2005. The final theft rate for MY 2005 passenger vehicles stolen in calendar year 2005 (1.85 thefts per thousand vehicles) increased by 1.1 percent from the theft rate for CY/MY 2004 (1.83 thefts per thousand vehicles) when compared to the theft rate experienced in CY/MY 2004. As explained in this notice, NHTSA is not concerned at this time about this minor increase. Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-0846. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually beginning with MYs 1983/84. Continuing to fulfill the section 33104(b)(4) mandate, this document reports the final theft data for CY 2005, the most recent calendar year for which data are available.

In calculating the 2005 theft rates, NHTSA followed the same procedures it used in calculating the MY 2004 theft

rates. (For 2004 theft data calculations, see 71 FR 59400, October 10, 2006). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 2005 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2005 vehicles of that line stolen during calendar year 2005 by the total number of vehicles in that line manufactured for MY 2005, as reported to the Environmental Protection Agency (EPA).

The final 2005 theft data show a slight increase in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2004. The final theft rate for MY 2005 passenger vehicles stolen in calendar year 2005 increased to 1.85 thefts per thousand vehicles produced, an increase of 1.1 percent from the rate of 1.83 thefts per thousand vehicles experienced by MY 2004 vehicles in CY 2004. NHTSA is not currently concerned with this minor increase in the theft rate. While NHTSA has seen an overall downward trend in theft rates since CY 1993, there have been periods of increase from one year to the next. This increase is lower than any seen in this period. Therefore, NHTSA does not expect that it indicates the beginning of an upward trend for theft rates.

For MY 2005 vehicles, out of a total of 233 vehicle lines, 24 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the 24 vehicle lines with a theft rate higher than 3.5826, 21 are passenger car lines, two are multipurpose passenger vehicle lines, and one is a light-duty truck line.

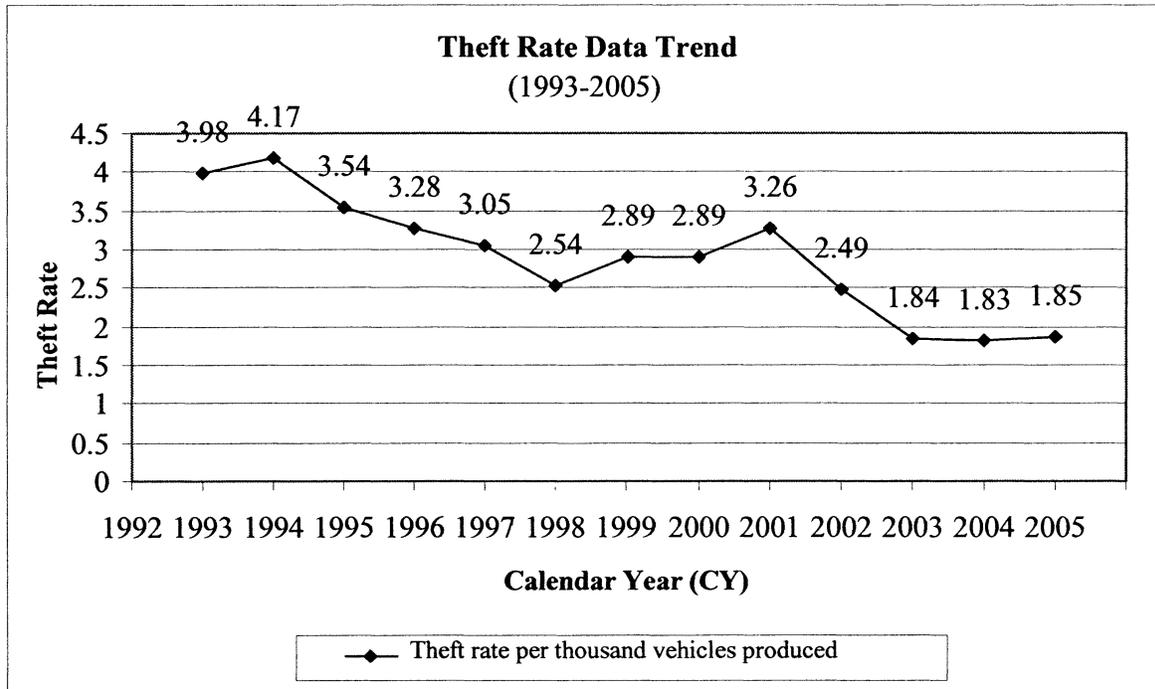


Figure 1: Theft Rate Data Trend (1993-2005)

On Monday, October 15, 2007, NHTSA published the preliminary theft rates for CY 2005 passenger motor vehicles in the **Federal Register** (72 FR 58268). The agency tentatively ranked each of the MY 2005 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. The agency received no comments in the public docket.

However, subsequent to publishing the MY 2005 preliminary theft rate notice (72 FR 58268), the agency was

informed that corrections to the original production figures for some Suzuki vehicle lines had been reported to EPA. The agency has revised the MY 2005 final theft data to reflect those corrections. Specifically, as a result of the new production figures provided the Suzuki Aerio which ranked No. 2 with a theft rate of 6.5232, is still ranked No. 2 with a new theft rate of 5.9386; the Suzuki Forenza which ranked No. 19 with a theft rate of 3.8638, is now ranked No. 20 with a new theft rate of 3.7157; the Suzuki Vitara/Grand Vitara which ranked No. 28 with a theft rate

of 3.3005, is now ranked No. 29 with a new theft rate of 3.2630; and the Suzuki Verona which ranked No. 32 with a theft rate of 3.1043, is still ranked No. 32 with a new theft rate of 3.1039.

The following list represents NHTSA's final calculation of theft rates for all 2005 passenger motor vehicle lines. This list is intended to inform the public of calendar year 2005 motor vehicle thefts of model year 2005 vehicles and does not have any effect on the obligations of regulated parties under 49 U.S.C. Chapter 331, Theft Prevention.

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2005 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2005

Manufacturer	Make/model (line)	Thefts 2005	Production (Mfr's) 2005	2005 Theft rate (per 1,000 vehicles produced)
1 TOYOTA	TOYOTA TUNDRA PICKUP	265	14,194	18.6699
2 SUZUKI	AERIO	77	12,966	5.9386
3 KIA	RIO	156	26,328	5.9253
4 MERCEDES BENZ	215 (CL-CLASS)	9	1,601	5.6215
5 JAGUAR	XKR	4	748	5.3476
6 GENERAL MOTORS	CHEVROLET MONTE CARLO	188	35,876	5.2403
7 MITSUBISHI	GALANT	150	28,808	5.2069
8 DAIMLERCHRYSLER	DODGE NEON	783	154,231	5.0768
9 DAIMLERCHRYSLER	DODGE MAGNUM	387	79,254	4.8830
10 DAIMLERCHRYSLER	CHRYSLER SEBRING	242	49,892	4.8505
11 DAIMLERCHRYSLER	DODGE STRATUS	452	94,735	4.7712
12 KIA	OPTIMA	145	31,362	4.6234
13 MITSUBISHI	LANCER	141	31,226	4.5155
14 NISSAN	SENTRA	519	116,354	4.4605

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2005 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2005—Continued

Manufacturer	Make/model (line)	Thefts 2005	Production (Mfr's) 2005	2005 Theft rate (per 1,000 vehicles produced)
15 GENERAL MOTORS	CHEVROLET MALIBU	908	212,400	4.2750
16 TOYOTA	TOYOTA ECHO	43	10,540	4.0797
17 GENERAL MOTORS	PONTIAC GRAND AM	248	61,502	4.0324
18 TOYOTA	LEXUS GS	12	3,004	3.9947
19 NISSAN	INFINITI FX45	7	1,850	3.7838
20 SUZUKI	FORENZA	129	34,718	3.7157
21 GENERAL MOTORS	CHEVROLET CAVALIER	351	95,838	3.6624
22 HONDA	ACURA RSX	69	19,135	3.6060
23 KIA	SPECTRA	191	53,027	3.6019
24 HONDA	S2000	32	8,921	3.5870
25 MASERATI	SPYDER/F1	1	289	3.4602
26 GENERAL MOTORS	PONTIAC SUNFIRE	132	38,239	3.4520
27 DAIMLERCHRYSLER	CHRYSLER SEBRING CONVERTIBLE	114	33,498	3.4032
28 TOYOTA	TOYOTA MR2 SPYDER	3	912	3.2895
29 SUZUKI	VITARA/GRAND VITARA	81	24,824	3.2630
30 TOYOTA	LEXUS IS	20	6,343	3.1531
31 DAIMLERCHRYSLER	CHRYSLER 300	499	158,545	3.1474
32 SUZUKI	VERONA	23	7,410	3.1039
33 HYUNDAI	ACCENT	158	51,121	3.0907
34 GENERAL MOTORS	CHEVROLET AVEO	196	64,250	3.0506
35 HYUNDAI	TIBURON	46	15,100	3.0464
36 GENERAL MOTORS	CHEVROLET IMPALA	701	230,633	3.0395
37 NISSAN	350Z	82	27,146	3.0207
38 MITSUBISHI	ECLIPSE	25	8,471	2.9512
39 FORD MOTOR CO.	LINCOLN LS	64	21,743	2.9435
40 GENERAL MOTORS	CHEVROLET COBALT	410	140,975	2.9083
41 NISSAN	INFINITI QX56	36	12,666	2.8423
42 NISSAN	MAXIMA	209	73,931	2.8270
43 NISSAN	ALTIMA	1,035	368,779	2.8066
44 MAZDA	6	191	68,252	2.7985
45 SUZUKI	RENO	16	5,736	2.7894
46 TOYOTA	SCION XB	187	67,396	2.7746
47 SUBARU	IMPREZA	103	38,390	2.6830
48 GENERAL MOTORS	PONTIAC GRAND PRIX	284	107,972	2.6303
49 FORD MOTOR CO.	FORD TAURUS	527	201,826	2.6112
50 FORD MOTOR CO.	FORD FOCUS	637	245,780	2.5917
51 TOYOTA	TOYOTA CELICA	11	4,258	2.5834
52 BMW	M3	14	5,471	2.5589
53 GENERAL MOTORS	PONTIAC GTO	28	11,065	2.5305
54 ROLLS ROYCE	PHANTOM	1	399	2.5063
55 FORD MOTOR CO.	FORD MUSTANG	362	145,599	2.4863
56 MITSUBISHI	OUTLANDER	36	14,983	2.4027
57 GENERAL MOTORS	CHEVROLET BLAZER S10/T10	12	5,018	2.3914
58 NISSAN	INFINITI FX35	72	30,172	2.3863
59 DAIMLERCHRYSLER	JEEP WRANGLER	178	74,706	2.3827
60 GENERAL MOTORS	CADILLAC XLR	9	3,828	2.3511
61 BMW	6	25	10,636	2.3505
62 TOYOTA	TOYOTA COROLLA	864	368,744	2.3431
63 TOYOTA	SCION TC	146	62,321	2.3427
64 NISSAN	FRONTIER PICKUP	146	62,799	2.3249
65 MITSUBISHI	ENDEAVOR	46	20,871	2.2040
66 HYUNDAI	SONATA	175	79,781	2.1935
67 MAZDA	B SERIES PICKUP	12	5,686	2.1104
68 HYUNDAI	ELANTRA	277	132,495	2.0906
69 MITSUBISHI	MONTERO	8	3,829	2.0893
70 GENERAL MOTORS	PONTIAC G6	128	62,481	2.0486
71 NISSAN	XTERRA	113	55,179	2.0479
72 KIA	SEDONA VAN	156	76,527	2.0385
73 FORD MOTOR CO.	FORD RANGER PICKUP	209	103,723	2.0150
74 VOLKSWAGEN	GOLF/GTI	29	14,447	2.0073
75 HONDA	CIVIC	577	288,917	1.9971
76 KIA	SORENTO	114	57,272	1.9905
77 MERCEDES BENZ	203 (C-CLASS)	139	70,818	1.9628
78 HONDA	ACURA TSX	70	35,836	1.9533
79 ISUZU	ASCENDER	14	7,219	1.9393
80 MAZDA	RX-8	34	17,608	1.9309
81 KIA	AMANTI	43	22,858	1.8812
82 TOYOTA	SCION XA	60	32,132	1.8673

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2005 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2005—Continued

Manufacturer	Make/model (line)	Thefts 2005	Production (Mfr's) 2005	2005 Theft rate (per 1,000 vehicles produced)
83 TOYOTA	TOYOTA TACOMA PICKUP	283	151,776	1.8646
84 JAGUAR	XJ8/XJ8L	8	4,330	1.8476
85 NISSAN	INFINITI G35	120	65,227	1.8397
86 JAGUAR	S-TYPE	25	13,629	1.8343
87 MAZDA	3	158	86,184	1.8333
88 DAIMLERCHRYSLER	CHRYSLER PT CRUISER	240	133,335	1.8000
89 TOYOTA	LEXUS SC	16	9,019	1.7740
90 NISSAN	INFINITI Q45	3	1,712	1.7523
91 NISSAN	PATHFINDER	143	82,667	1.7298
92 MERCEDES BENZ	208 (CLK-CLASS)	37	21,724	1.7032
93 SUBARU	BAJA	14	8,244	1.6982
94 AUDI	A4/A4 QUATTRO/S4/S4 AVANT	80	47,470	1.6853
95 GENERAL MOTORS	CHEVROLET TRAILBLAZER	311	184,671	1.6841
96 TOYOTA	TOYOTA CAMRY/SOLARA	732	437,173	1.6744
97 NISSAN	QUEST VAN	60	35,913	1.6707
98 GENERAL MOTORS	PONTIAC AZTEK	17	10,197	1.6672
99 DAIMLERCHRYSLER	JEEP GRAND CHEROKEE	356	214,714	1.6580
100 MERCEDES BENZ	170 (SLK-CLASS)	17	10,310	1.6489
101 GENERAL MOTORS	BUICK CENTURY	65	40,051	1.6229
102 FORD MOTOR CO.	FORD EXPLORER	317	196,740	1.6113
103 FORD MOTOR CO.	MERCURY SABLE	58	36,134	1.6051
104 SAAB	9-2X	9	5,713	1.5754
105 HONDA	ACCORD	576	371,940	1.5486
106 FORD MOTOR CO.	FORD EXPLORER SPORT TRAC	83	53,640	1.5474
107 HONDA	ACURA 3.2 TL	125	82,497	1.5152
108 GENERAL MOTORS	CHEVROLET COLORADO	206	136,994	1.5037
109 BMW	3	88	58,554	1.5029
110 BMW	5	42	28,346	1.4817
111 FORD MOTOR CO.	MERCURY MOUNTAINEER	48	32,416	1.4808
112 GENERAL MOTORS	SATURN ION	104	71,021	1.4644
113 DAIMLERCHRYSLER	CHRYSLER CROSSFIRE	36	24,679	1.4587
114 GENERAL MOTORS	GMC ENVOY	102	70,105	1.4550
115 KIA	SPORTAGE	35	24,351	1.4373
116 GENERAL MOTORS	GMC CANYON PICKUP	56	39,149	1.4304
117 FORD MOTOR CO.	LINCOLN TOWN CAR	67	46,853	1.4300
118 MERCEDES BENZ	129 (SL-CLASS)	15	10,586	1.4170
119 NISSAN	MURANO	102	72,482	1.4072
120 TOYOTA	TOYOTA MATRIX	99	72,719	1.3614
121 HYUNDAI	SANTA FE	100	73,979	1.3517
122 HYUNDAI	XG300	27	20,099	1.3434
123 GENERAL MOTORS	PONTIAC VIBE	95	71,357	1.3313
124 GENERAL MOTORS	CADILLAC DEVILLE	76	57,246	1.3276
125 VOLKSWAGEN	JETTA	116	87,710	1.3225
126 AUDI	A8	7	5,336	1.3118
127 VOLKSWAGEN	PHAETON	1	768	1.3021
128 MAZDA	TRIBUTE	68	52,267	1.3010
129 JAGUAR	VANDEN PLAS/SUPER V8	4	3,075	1.3008
130 FORD MOTOR CO.	FORD CROWN VICTORIA	24	18,754	1.2797
131 FORD MOTOR CO.	FORD FREESTAR VAN	92	72,690	1.2656
132 GENERAL MOTORS	CHEVROLET ASTRO VAN	29	23,439	1.2373
133 DAIMLERCHRYSLER	CHRYSLER PACIFICA	146	118,329	1.2338
134 GENERAL MOTORS	PONTIAC BONNEVILLE	26	21,519	1.2082
135 GENERAL MOTORS	CADILLAC CTS	74	61,323	1.2067
136 BMW	7	9	7,495	1.2008
137 DAIMLERCHRYSLER	DODGE CARAVAN/GRAND CARAVAN	440	367,439	1.1975
138 TOYOTA	TOYOTA 4RUNNER	127	106,810	1.1890
139 DAIMLERCHRYSLER	DODGE VIPER	2	1,692	1.1820
140 HYUNDAI	TUCSON	71	61,346	1.1574
141 ASTON MARTIN	DB9	1	874	1.1442
142 GENERAL MOTORS	GMC SAFARI VAN	5	4,441	1.1259
143 FORD MOTOR CO.	FORD FIVE HUNDRED	109	97,689	1.1158
144 VOLVO	V70	9	8,070	1.1152
145 MERCEDES BENZ	220 (S-CLASS)	13	11,831	1.0988
146 FORD MOTOR CO.	FORD THUNDERBIRD	10	9,189	1.0883
147 BMW	X3	31	28,657	1.0818
148 TOYOTA	LEXUS LS	31	29,049	1.0672
149 GENERAL MOTORS	CHEVROLET EQUINOX	192	183,758	1.0449
150 FORD MOTOR CO.	FORD ESCAPE	252	243,658	1.0342

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2005 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2005—Continued

Manufacturer	Make/model (line)	Thefts 2005	Production (Mfr's) 2005	2005 Theft rate (per 1,000 vehicles produced)
151 DAIMLERCHRYSLER	JEEP LIBERTY	178	173,110	1.0282
152 TOYOTA	LEXUS ES	83	80,735	1.0281
153 TOYOTA	LEXUS GX	28	27,260	1.0271
154 TOYOTA	TOYOTA AVALON	59	57,577	1.0247
155 GENERAL MOTORS	CHEVROLET CORVETTE	34	33,810	1.0056
156 GENERAL MOTORS	BUICK LESABRE	105	105,985	0.9907
157 TOYOTA	LEXUS RX	94	96,140	0.9777
158 PORSCHE	BOXSTER	6	6,142	0.9769
159 GENERAL MOTORS	CHEVROLET VENTURE VAN	24	25,341	0.9471
160 ROLLS ROYCE	BENTLEY CONTINENTAL	3	3,176	0.9446
161 VOLVO	S40	24	25,722	0.9331
162 TOYOTA	TOYOTA RAV4	75	82,037	0.9142
163 BMW	Z4	10	11,079	0.9026
164 HONDA	ELEMENT	47	52,440	0.8963
165 FORD MOTOR CO.	MERCURY MARINER	29	32,734	0.8859
166 GENERAL MOTORS	SATURN LS	6	6,790	0.8837
167 FORD MOTOR CO.	MERCURY GRAND MARQUIS	61	69,862	0.8731
168 TOYOTA	TOYOTA HIGHLANDER	113	130,146	0.8683
169 GENERAL MOTORS	BUICK PARK AVENUE	8	9,282	0.8619
170 GENERAL MOTORS	SATURN VUE	56	65,105	0.8601
171 VOLKSWAGEN	PASSAT	30	35,149	0.8535
172 PORSCHE	911	7	8,391	0.8342
173 GENERAL MOTORS	CADILLAC STS	31	37,226	0.8328
174 TOYOTA	TOYOTA SIENNA VAN	144	172,999	0.8324
175 GENERAL MOTORS	BUICK LACROSSE/ALLURE	68	81,894	0.8303
176 LAND ROVER	FREELANDER	2	2,441	0.8193
177 MAZDA	MPV VAN	15	18,902	0.7936
178 HONDA	ACURA 3.5 RL	17	21,526	0.7897
179 VOLKSWAGEN	NEW BEETLE	27	34,410	0.7847
180 AUDI	A6/A6 QUATTRO/S6/S6 AVANT	12	15,432	0.7776
181 DAIMLERCHRYSLER	CHRYSLER TOWN & COUNTRY	195	253,162	0.7703
182 GENERAL MOTORS	BUICK RENDEZVOUS	42	54,775	0.7668
183 VOLVO	XC90	33	43,213	0.7637
184 FORD MOTOR CO.	MERCURY MONTEREY VAN	5	6,703	0.7459
185 MERCEDES BENZ	210 (E-CLASS)	30	40,445	0.7417
186 VOLVO	S80	8	10,918	0.7327
187 GENERAL MOTORS	BUICK RAINIER	10	13,648	0.7327
188 VOLVO	S60	15	23,029	0.6514
189 BMW	MINI COOPER	30	47,444	0.6323
190 HONDA	CR-V	88	144,472	0.6091
191 SAAB	9-3	13	21,433	0.6065
192 LOTUS	ELISE	2	3,320	0.6024
193 SUBARU	LEGACY/OUTBACK	21	34,944	0.6010
194 AUDI	ALLROAD QUATTRO	2	3,420	0.5848
195 HONDA	ACURA MDX	35	60,287	0.5806
196 HONDA	PILOT	81	142,118	0.5699
197 GENERAL MOTORS	CHEVROLET UPLANDER VAN	30	52,713	0.5691
198 GENERAL MOTORS	CADILLAC SRX	13	23,498	0.5532
199 FORD MOTOR CO.	FORD FREESTYLE	40	75,643	0.5288
200 HONDA	ODYSSEY VAN	85	161,742	0.5255
201 FORD MOTOR CO.	FORD GT	1	1,907	0.5244
202 SAAB	9-7X	1	1,999	0.5003
203 MAZDA	MX-5 MIATA	2	4,135	0.4837
204 SUBARU	FORESTER	24	50,942	0.4711
205 FORD MOTOR CO.	MERCURY MONTEGO	13	28,517	0.4559
206 GENERAL MOTORS	PONTIAC MONTANA VAN	14	31,583	0.4433
207 TOYOTA	TOYOTA PRIUS	46	121,020	0.3801
208 SUBARU	OUTBACK	29	79,980	0.3626
209 JAGUAR	X-TYPE	4	11,299	0.3540
210 GENERAL MOTORS	SATURN RELAY	6	17,794	0.3372
211 SAAB	9-5	2	6,137	0.3259
212 VOLVO	V50	2	6,909	0.2895
213 GENERAL MOTORS	BUICK TERRAZA VAN	2	19,848	0.1008
214 MASERATI	GRANSPORT	0	490	0.0000
215 MASERATI	QUATTROPORTE	0	1,311	0.0000
216 HONDA	ACURA NSX	0	249	0.0000
217 ASTON MARTIN	VANQUISH	0	165	0.0000
218 AUDI	TT	0	3,375	0.0000

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2005 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2005—Continued

Manufacturer	Make/model (line)	Thefts 2005	Production (Mfr's) 2005	2005 Theft rate (per 1,000 vehicles produced)
219 ROLLS ROYCE	BENTLEY ARNAGE	0	361	0.0000
220 GENERAL MOTORS	CADILLAC FUNERAL COACH/HEARSE	0	854	0.0000
221 GENERAL MOTORS	CADILLAC LIMOUSINE	0	472	0.0000
222 FERRARI	MARANELLO/F1	0	235	0.0000
223 FERRARI	SCAGLIETTI/F1	0	228	0.0000
224 FERRARI	SPIDER/F1	0	1,093	0.0000
225 GENERAL MOTORS	CHEVROLET CLASSIC	0	83,060	0.0000
226 GENERAL MOTORS	GMC K2500	0	51	0.0000
227 HONDA	INSIGHT	0	591	0.0000
228 JAGUAR	XJR	0	741	0.0000
229 JAGUAR	XK8	0	1,760	0.0000
230 NISSAN	ARMADA	0	34,803	0.0000
231 NISSAN	TITAN	0	77,628	0.0000
232 SPYKER	C8	0	7	0.0000
233 VOLVO	XC70	0	14,806	0.0000

Issued on: March 7, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E8-4951 Filed 3-11-08; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1572

[Docket Nos. TSA-2006-24191; TSA Amendment No. 1572-8]

RIN 1652-AA41

Title: Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License; Correction

AGENCY: Transportation Security Administration, DHS.

ACTION: Correcting amendments.

SUMMARY: This amendment clarifies that E-2 Visa (Treaty Investor) holders are eligible for a Transportation Worker Identification Credential (TWIC), and corrects an error in the final rule published on January 25, 2007 (72 FR 4392). The amendment adds the E-2 Visa as one of the permissible visa categories for TWIC applicants. Holders of E-2 Visas were explicitly listed as eligible to hold a TWIC in the preamble of the rule, and therefore, this revision carries out the intent of the rule.

DATES: Effective on March 12, 2008.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

On January 25, 2007, the Department of Homeland Security (DHS), through TSA and the United States Coast Guard (Coast Guard), issued a final rule to further secure the Nation's ports and modes of transportation. The rule implemented the Maritime Transportation Security Act of 2002 and the Security and Accountability for Every Port Act of 2006. Those statutes establish requirements regarding the promulgation of regulations that require credentialed merchant mariners and workers with unescorted access to secure areas of vessels and facilities to undergo a security threat assessment and receive a biometric credential, known as a Transportation Worker Identification Credential (TWIC). Subsequently, TSA corrected and amended the final rule on February 7, 2007 (72 FR 5632); March 26, 2007 (72 FR 14049); March 30, 2007 (72 FR 15195); and September 28, 2007 (72 FR 55043).

In the January 2007 final rule, TSA applied its security threat assessment standards that already applied to commercial drivers authorized to transport hazardous materials in commerce to merchant mariners and workers who require unescorted access to secure areas on vessels and at maritime facilities. Also, TSA amended the qualification standards by changing the list of crimes that disqualify an individual from holding a TWIC or a hazardous materials endorsement

(HME), and expanded the immigration standards to permit additional lawful nonimmigrants to apply for and hold a TWIC or HME.

In selecting the immigration status and visa categories that are eligible for a TWIC, TSA focused on the professionals and specialized workers who are employed prevalently in the maritime industry to work on vessels or other equipment unique to the maritime industry. In the final rule, TSA stated that an alien holding one of the following visa categories would be eligible to apply for a TWIC: (1) H-1B Special Occupations; (2) H-1B1 Free Trade Agreement; (3) E-1 Treaty Trader; (4) E-2 Treaty Investor; (5) E-3 Australian in Specialty Occupation; (6) L-1 Intra Company Executive Transfer; (7) O-1 Extraordinary Ability; or (8) TN North American Free Trade Agreement. See 72 FR 3551. However, we inadvertently omitted the E-2 Treaty Investor visa category from the immigration standards in the rule text at 49 CFR 1572.105. With this correcting amendment, we revise § 1572.105 to add the E-2 Treaty Investor as an eligible category for TWIC. This addition requires renumbering paragraph (a)(7) and making conforming editorial changes. Former subparagraph (a)(7)(x) is revised so that it correctly applies to all of paragraph (a)(7), not just (a)(7)(i)-(viii).

List of Subjects in 49 CFR Part 1572

Appeals, Commercial drivers license, Criminal history background checks, Explosives, Facilities, Hazardous materials, Incorporation by reference, Maritime security, Motor carriers, Motor vehicle carriers, Ports, Seamen, Security