

business or domicile, and that is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law brought in any State in which the motor carrier operates.

3. In § 387.35:

a. In paragraph (c), in the last line, remove the period at the end of the sentence, and add in its place “; or”; and

b. Add paragraph (d) to read as follows:

§ 387.35 State authority and designation of agent.

* * * * *

(d) A Canadian insurance company legally authorized to issue a policy of insurance in the Province or Territory of Canada in which a Canadian motor carrier has its principal place of business or domicile, and that is willing to designate a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law brought in any State in which the motor carrier operates.

4. In § 387.315:

a. In paragraph (c), in the last line, remove the period at the end of the sentence, and add in its place “; or”; and

b. Add paragraph (d) to read as follows:

§ 387.315 Insurance and surety companies.

* * * * *

(d) In the Province or Territory of Canada in which a Canadian motor carrier has its principal place of business or domicile, and will designate in writing upon request by FMCSA, a person upon whom process, issued by or under the authority of a court of competent jurisdiction, may be served in any proceeding at law brought in any State in which the carrier operates.

5. In § 387.409:

a. In paragraph (c), in the last line, remove the period at the end of the sentence, and add in its place “; or”; and

b. Add paragraph (d) to read as follows:

§ 387.409 Insurance and surety companies.

* * * * *

(d) In the Province or Territory of Canada in which a Canadian freight forwarder has its principal place of business or domicile, and will designate in writing upon request by FMCSA, a person upon whom process, issued by

or under the authority of a court of competent jurisdiction, may be served in any proceeding at law brought in any State in which the freight forwarder operates.

Issued on: June 4, 2009.

Rose A. McMurray,

Acting Deputy Administrator.

[FR Doc. E9-13581 Filed 6-9-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA 2009-0085]

Preliminary Theft Data; Motor Vehicle Theft Prevention Standard

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

ACTION: Publication of preliminary theft data; request for comments.

SUMMARY: This document requests comments on data about passenger motor vehicle thefts that occurred in calendar year (CY) 2007 including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 2007. The preliminary theft data indicate that the vehicle theft rate for CY/MY 2007 vehicles (1.86 thefts per thousand vehicles) decreased by 10.6 percent from the theft rate for CY/MY 2006 vehicles (2.08 thefts per thousand vehicles).

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.

DATES: Comments must be submitted on or before August 10, 2009.

ADDRESSES: You may submit comments identified by Docket No. NHTSA-2009-0085 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

Instructions: For detailed instructions on submitting comments and additional

information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Mazyck'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 or 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 the § 33104(b)(4) mandate, this document reports the preliminary theft data for CY 2007 the most recent calendar year for which data are available.

In calculating the 2007 theft rates, NHTSA followed the same procedures it has used since publication of the 1983/1984 theft rate data (50 FR 46669, November 12, 1985). The 2007 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2007 vehicles of that line stolen during calendar year 2007 by the total number of vehicles in that line manufactured for MY 2007, as reported to the Environmental Protection Agency

(EPA). 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 approximately 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.

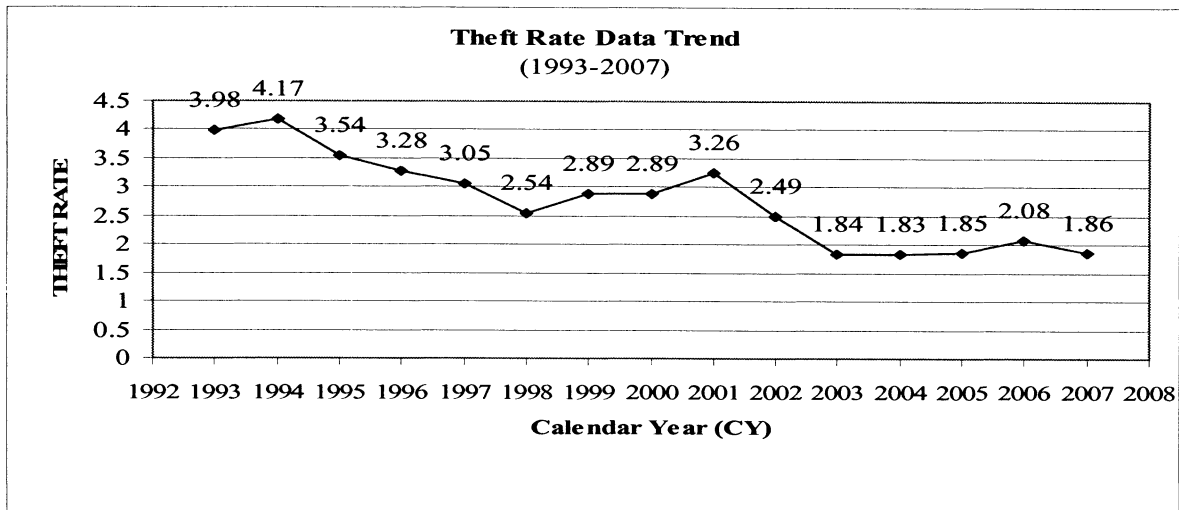
The preliminary 2007 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2006 (For 2006 theft data, see

73 FR 60633, October 14, 2008). The preliminary theft rate for MY 2007 passenger vehicles stolen in calendar year 2007 decreased to 1.86 thefts per thousand vehicles produced, a decrease of 10.6 percent from the rate of 2.08 thefts per thousand vehicles experienced by MY 2006 vehicles in CY 2006. For MY 2007 vehicles, out of a total of 204 vehicle lines, 15 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 15 vehicle lines with a theft rate higher than 3.5826, 13 are passenger car lines, two are multipurpose passenger

vehicle lines, and none are light-duty truck lines.

The agency believes that the theft rate reduction could be the result of several factors including the increased use of standard antitheft devices (i.e., immobilizers), vehicle parts marking, increased and improved prosecution efforts by law enforcement organizations and increased public awareness measures which may have contributed to the overall reduction in vehicle thefts. The preliminary MY 2007 theft rate reduction is consistent with the general decreasing trend of theft rates over the past 15 years as indicated by Figure 1.

Figure 1: Theft Rate Data Trend (1993-2007)



Theft rate per thousand vehicles produced

In Table I, NHTSA has tentatively ranked each of the MY 2007 vehicle lines in descending order of theft rate. Public comment is sought on the accuracy of the data, including the data for the production volumes of individual vehicle lines.

Comments must not exceed 15 pages in length (49 CFR 553.21). Attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and two copies

from which the purportedly confidential information has been deleted should be submitted to Dockets. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for this document will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments on this document will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available for inspection in the docket after the

closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume

65, Number 70; Pages 19477–78) or you may visit <http://DocketsInfo.dot.gov>.

Authority: 49 U.S.C. 33101, 33102 and 33104; delegation of authority at 49 CFR 1.50.

PRELIMINARY REPORT OF THEFT RATES FOR MODEL YEAR 2007 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2007

	Manufacturer	Make/model (line)	Thefts 2007	Production (Mfr's) 2007	2007 Theft rate (per 1,000 vehicles produced)
1	CHRYSLER	DODGE MAGNUM	344	28059	12.2599
2	CHRYSLER	DODGE CHARGER	1148	120636	9.5162
3	GENERAL MOTORS	CHEVROLET MONTE CARLO	174	21689	8.0225
4	GENERAL MOTORS	PONTIAC GRAND PRIX	534	77689	6.8736
5	CHRYSLER	300	715	121529	5.8834
6	MINITUBISHI	LANCER	12	2355	5.0955
7	ROLLS ROYCE	PHANTOM	2	398	5.0251
8	MERCEDES-BENZ	215 (CL-CLASS)	43	9296	4.6256
9	FORD MOTOR CO	TAURUS	510	114616	4.4496
10	CHRYSLER	SEBRING	338	78059	4.3301
11	CHRYSLER	PT CRUISER	443	104546	4.2374
12	SUZUKI	FORENZA	133	34236	3.8848
13	GENERAL MOTORS	PONTIAC G6	629	164306	3.8282
14	GENERAL MOTORS	CHEVROLET MALIBU	487	127718	3.8131
15	MINITUBISHI	GALANT	103	27141	3.7950
16	MAZDA	6	201	56178	3.5779
17	VOLKSWAGEN	AUDI RS4	5	1475	3.3898
18	CHRYSLER	PACIFICA	197	60392	3.2620
19	GENERAL MOTORS	CHEVROLET COBALT	703	215663	3.2597
20	FORD MOTOR CO	MUSTANG	518	159345	3.2508
21	FORD MOTOR CO	LINCOLN TOWN CAR	114	35281	3.2312
22	CHRYSLER	DODGE CALIBER	560	175537	3.1902
23	KIA	OPTIMA	127	40914	3.1041
24	NISSAN	350Z	49	15831	3.0952
25	NISSAN	INFINITI FX35	40	13346	2.9972
26	GENERAL MOTORS	CADILLAC DTS	140	47396	2.9538
27	GENERAL MOTORS	CHEVROLET IMPALA	769	267375	2.8761
28	KIA	SPECTRA	171	64591	2.6474
29	KIA	RIO	83	31947	2.5981
30	MINITUBISHI	ECLIPSE	107	42300	2.5296
31	FORD MOTOR CO	FOCUS	576	229738	2.5072
32	GENERAL MOTORS	CHEVROLET AVEO	166	67104	2.4738
33	HYUNDAI	SONATA	302	123439	2.4466
34	VOLVO	S40	53	21905	2.4195
35	HYUNDAI	ELANTRA	192	80133	2.3960
36	NISSAN	MAXIMA	152	63601	2.3899
37	BMW	M6	8	3400	2.3529
38	MINITUBISHI	ENDEAVOR	30	12805	2.3428
39	NISSAN	SENTRA	225	96584	2.3296
40	FORD MOTOR CO	CROWN VICTORIA	17	7424	2.2899
41	CHRYSLER	JEEP LIBERTY	209	91466	2.2850
42	GENERAL MOTORS	CHEVROLET HHR	223	99681	2.2371
43	MERCEDES-BENZ	220 (S-CLASS)	91	41867	2.1735
44	TOYOTA	COROLLA	740	351414	2.1058
45	NISSAN	INFINITI FX45	1	475	2.1053
46	GENERAL MOTORS	CHEVROLET TRAILBLAZER	257	122918	2.0908
47	GENERAL MOTORS	BUICK LACROSSE/ALLURE	113	54938	2.0569
48	HUMMER	H3	95	46341	2.0500
49	NISSAN	ALTIMA	413	202162	2.0429
50	SUZUKI	RENO	62	30424	2.0379
51	FORD MOTOR CO	MERCURY GRAND MARQUIS	81	39757	2.0374
52	JAGUAR	XK8	6	2965	2.0236
53	KIA	SORENTO	64	31798	2.0127
54	MAZDA	5	33	16424	2.0093
55	GENERAL MOTORS	SATURN ION	185	94117	1.9656
56	VOLKSWAGEN	AUDI A8	10	5106	1.9585
57	HYUNDAI	ACCENT	86	44314	1.9407
58	GENERAL MOTORS	CADILLAC CTS	97	53360	1.8178
59	FORD MOTOR CO	FUSION	266	146464	1.8161
60	NISSAN	PATHFINDER	76	42137	1.8036
61	HYUNDAI	AZERA	40	22218	1.8003
62	CHRYSLER	DODGE CARAVAN GRAND CARAVAN	284	164003	1.7317
63	GENERAL MOTORS	CHEVROLET CORVETTE	65	37744	1.7221

PRELIMINARY REPORT OF THEFT RATES FOR MODEL YEAR 2007 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2007—Continued

	Manufacturer	Make/model (line)	Thefts 2007	Production (Mfr's) 2007	2007 Theft rate (per 1,000 vehicles produced)
64	BMW	M5	2	1163	1.7197
65	VOLKSWAGEN	JETTA	146	84922	1.7192
66	GENERAL MOTORS	PONTIAC G6	54	32894	1.6416
67	BMW	6	11	6779	1.6227
68	FORD MOTOR CO	FREESTAR VAN	30	18579	1.6147
69	NISSAN	INFINITI M35/M45	48	30144	1.5924
70	TOYOTA	YARIS	252	159292	1.5820
71	HONDA	ACCORD	664	421206	1.5764
72	CHRYSLER	DODGE NITRO	133	84441	1.5751
73	MAZDA	RX-8	9	5728	1.5712
74	FORD MOTOR CO	MERCURY MILAN	55	35375	1.5548
75	VOLKSWAGEN	AUDI A6/A6 QUATTRO/S6/S6 AVANT.	18	11660	1.5437
76	FORD MOTOR CO	FIVE HUNDRED	94	61270	1.5342
77	TOYOTA	AVALON	121	79137	1.5290
78	NISSAN	MURANO	137	92516	1.4808
79	TOYOTA	HIGHLANDER	148	100956	1.4660
80	TOYOTA	CAMRY/SOLARA	1003	685729	1.4627
81	NISSAN	INFINITI G35	83	57041	1.4551
82	GENERAL MOTORS	CHEVROLET UPLANDER VAN	87	60061	1.4485
83	GENERAL MOTORS	CADILLAC STS	24	16746	1.4332
84	GENERAL MOTORS	CADILLAC XLR	2	1400	1.4286
85	HONDA	S2000	7	4907	1.4265
86	KIA	AMANTI	6	4343	1.3815
87	MERCEDES-BENZ	208 (CLK-CLASS)	19	13825	1.3743
88	NISSAN	FRONTIER PICKUP	87	64010	1.3592
89	GENERAL MOTORS	CHEVROLET COLORADO PICK-UP.	95	70012	1.3569
90	GENERAL MOTORS	GMC CANYON PICKUP	25	18483	1.3526
91	BMW	7	22	16421	1.3397
92	TOYOTA	FJ CRUISER	112	83830	1.3360
93	MAZDA	3	153	114723	1.3336
94	GENERAL MOTORS	PONTIAC G5	107	80962	1.3216
95	SUBARU	IMPREZA	51	39198	1.3011
96	VOLKSWAGEN	AUDI A4/A4 QUATTRO/S4/S4 AVANT.	64	49645	1.2892
97	NISSAN	QUEST VAN	47	36661	1.2820
98	HONDA	ACURA TSX	29	22669	1.2793
99	KIA	SPORTAGE	58	45512	1.2744
100	TOYOTA	TACOMA PICKUP	206	165714	1.2431
101	FORD MOTOR CO	RANGER PICKUP	94	77539	1.2123
102	TOYOTA	4RUNNER	132	109124	1.2096
103	MERCEDES-BENZ	170 (SLK-CLASS)	9	7459	1.2066
104	GENERAL MOTORS	SATURN AURA	77	64851	1.1873
105	GENERAL MOTORS	PONTIAC TORRENT	35	29918	1.1699
106	HONDA	CIVIC	389	332639	1.1694
107	GENERAL MOTORS	CADILLAC FUNERAL COACH/HEARSE.	1	857	1.1669
108	MITSUBISHI	OUTLANDER	37	31873	1.1609
109	VOLKSWAGEN	AUDI A3/A3 QUATTRO	8	6992	1.1442
110	VOLKSWAGEN	GOLF/RABBIT/GTI	46	41314	1.1134
111	GENERAL MOTORS	CHEVROLET EQUINOX	94	87031	1.0801
112	HYUNDAI	TIBURON	15	13951	1.0752
113	VOLKSWAGEN	PASSAT	42	39867	1.0535
114	MERCEDES-BENZ	129 (SL-CLASS)	8	7648	1.0460
115	FORD MOTOR CO	MERCURY MONTEGO	16	15439	1.0363
116	GENERAL MOTORS	GMC ENVOY	38	36989	1.0273
117	HYUNDAI	TUCSON	45	44033	1.0220
118	HONDA	ACURA 3.2 TL	5	4905	1.0194
119	GENERAL MOTORS	BUICK TERRAZA VAN	8	7865	1.0172
120	FORD MOTOR CO	ESCAPE	110	108788	1.0111
121	JAGUAR	X-TYPE	3	3018	0.9940
122	HONDA	ACURA 3.5 RL	49	49471	0.9905
123	JAGUAR	VANDEN PLAS/SUPER V8	1	1010	0.9901
124	SUZUKI	SX4	15	15421	0.9727
125	VOLVO	S80	10	10805	0.9255
126	GENERAL MOTORS	PONTIAC VIBE	30	32499	0.9231

PRELIMINARY REPORT OF THEFT RATES FOR MODEL YEAR 2007 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2007—Continued

	Manufacturer	Make/model (line)	Thefts 2007	Production (Mfr's) 2007	2007 Theft rate (per 1,000 vehicles produced)
127	HONDA	ELEMENT	31	33688	0.9202
128	MAZDA	B SERIES PICKUP	3	3285	0.9132
129	BMW	5	47	51970	0.9044
130	GENERAL MOTORS	SATURN SKY	14	15546	0.9006
131	GENERAL MOTORS	BUICK LUCERNE	76	85922	0.8845
132	TOYOTA	LEXUS LS	31	35167	0.8815
133	HONDA	ACURA RDX	22	25159	0.8744
134	CHRYSLER	JEEP WRANGLER	88	100955	0.8717
135	FORD MOTOR CO	EDGE	105	121525	0.8640
136	KIA	RONDO	22	25524	0.8619
137	TOYOTA	LEXUS RX	82	98473	0.8327
138	VOLKSWAGEN	EOS	11	13406	0.8205
139	TOYOTA	RAV4	145	181051	0.8009
140	FORD MOTOR CO	FREESTYLE	30	38047	0.7885
141	HYUNDAI	SANTA FE	89	113815	0.7820
142	BMW	Z4/M	8	10568	0.7570
143	GENERAL MOTORS	PONTIAC SOLSTICE	16	21310	0.7508
144	SUZUKI	AERIO	4	5544	0.7215
145	PORSCHE	CAYMAN	4	5552	0.7205
146	PORSCHE	911	9	12521	0.7188
147	TOYOTA	LEXUS IS	41	57055	0.7186
148	MERCEDES-BENZ	203 (C-CLASS)	83	116282	0.7138
149	BENTLEY MOTORS	CONTINENTAL	3	4265	0.7034
150	BMW	X3	22	31365	0.7014
151	SUBARU	B9 TRIBECA	8	11538	0.6934
152	BMW	3	97	139966	0.6930
153	MAZDA	MAZDA CX-7	52	75137	0.6921
154	VOLVO	S60	14	20268	0.6907
155	CHRYSLER	JEEP PATRIOT	20	29421	0.6798
156	ASTON MARTIN	VANTAGE	1	1474	0.6784
157	KIA	SEDONA VAN	41	60873	0.6735
158	HONDA	FIT	46	68642	0.6701
159	SUBARU	LEGACY/OUTBACK	10	14963	0.6683
160	TOYOTA	SIENNA VAN	63	96072	0.6558
161	HONDA	ACURA MDX	35	53550	0.6536
162	FORD MOTOR CO	MERCURY MONTEREY VAN	1	1553	0.6439
163	FORD MOTOR CO	LINCOLN MKX	22	34571	0.6364
164	GENERAL MOTORS	BUICK RAINIER	3	4723	0.6352
165	SUBARU	OUTBACK	27	42747	0.6316
166	HONDA	PILOT	77	122033	0.6310
167	FORD MOTOR CO	LINCOLN ZEPHYR	20	32952	0.6069
168	JAGUAR	XKR	3	5030	0.5964
169	TOYOTA	LEXUS GS	17	28638	0.5936
170	VOLVO	V50	2	3373	0.5929
171	MERCEDES-BENZ	210 (E-CLASS)	31	52557	0.5898
172	MAZDA	MX-5 MIATA	7	13353	0.5242
173	VOLVO	XC90	15	30762	0.4876
174	GENERAL MOTORS	BUICK RENDEZVOUS	14	29187	0.4797
175	VOLKSWAGEN	NEW BEETLE	13	27249	0.4771
176	HYUNDAI	VERACRUZ	6	12726	0.4715
177	VOLVO	XC70	6	13197	0.4546
178	HONDA	CR-V	104	229378	0.4534
179	PORSCHE	BOXSTER	2	4427	0.4518
180	TOYOTA	LEXUS ES	54	121577	0.4442
181	SUBARU	FORESTER	19	43985	0.4320
182	BMW	MINI COOPER	15	38511	0.3895
183	JAGUAR	S-TYPE	1	2582	0.3873
184	TOYOTA	PRIUS	53	158715	0.3339
185	SAAB	9-3	7	22401	0.3125
186	HONDA	ODYSSEY VAN	64	208166	0.3074
187	FORD MOTOR CO	MERCURY MARINER	6	20842	0.2879
188	VOLVO	C70	1	5612	0.1782
189	TOYOTA	LEXUS SC	8	80617	0.0992
190	ASTON MARTIN	DB9	0	688	0.0000
191	BENTLEY MOTORS	ARNAGE	0	140	0.0000
192	BENTLEY MOTORS	AZURE	0	184	0.0000
193	FERRARI	141	0	364	0.0000

PRELIMINARY REPORT OF THEFT RATES FOR MODEL YEAR 2007 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2007—Continued

	Manufacturer	Make/model (line)	Thefts 2007	Production (Mfr's) 2007	2007 Theft rate (per 1,000 vehicles produced)
194	FERRARI	612 SCAGLIETTI	0	66	0.0000
195	FERRARI	430	0	1382	0.0000
196	GENERAL MOTORS	CADILLAC LIMOUSINE	0	648	0.0000
197	JAGUAR	XJ8/XJ8L	0	1645	0.0000
198	JAGUAR	XJR	0	221	0.0000
199	LAMBORGHINI	MURCIELAGO	0	164	0.0000
200	LAMBORGHINI	GALLARDO	0	558	0.0000
201	MASERATI	QUATTROPORTE	0	2176	0.0000
202	SAAB	9-5	0	4084	0.0000
203	SPYKER	C8	0	7	0.0000
204	VOLVO	V70	0	3899	0.0000

Issued on: June 4, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9-13530 Filed 6-9-09; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 090218204-9956-03]

RIN 0648-AX71

Fisheries of the United States Exclusive Economic Zone Off Alaska; Fisheries of the Arctic Management Area; Bering Sea Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement the Fishery Management Plan for Fish Resources of the Arctic Management Area (Arctic FMP) and Amendment 29 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs (Crab FMP). The Arctic FMP and Amendment 29 to the Crab FMP, if approved, would establish sustainable management of commercial fishing in the Arctic Management Area and move the northern boundary of the Crab FMP out of the Arctic Management Area south to Bering Strait. This action is necessary to establish a management framework for commercial fishing and to provide consistent management of fish resources in the Arctic Management

Area before the potential onset of unregulated commercial fishing in the area. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws.

DATES: Written comments must be received by July 27, 2009.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified for this action by 0648-AX71 (PR), by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586-7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of the Arctic FMP, Amendment 29 to the Crab FMP, maps of the action area and essential fish

habitat, and the Environmental Assessment/Regulatory Impact Review/ Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the Alaska Region at the mailing address above or from the Alaska Region website at <http://www.alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Bering Sea and Aleutian Islands King and Tanner crab fisheries are managed under the Crab FMP. The Arctic Management Area fisheries would be managed under the Arctic FMP. The North Pacific Fishery Management Council (Council) prepared the Crab FMP and has developed and adopted the proposed Arctic FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMPs appear at 50 CFR parts 679 and 680. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The Council submitted the Arctic FMP and Amendment 29 to the Crab FMP for review by the Secretary of Commerce, and a notice of availability of the Arctic FMP and Amendment 29 was published in the **Federal Register** on May 26, 2009 (74 FR 24757), with comments on the Arctic FMP and Amendment 29 invited through July 27, 2009. Comments may address the Arctic FMP, Amendment 29, the proposed rule, or all actions, but must be received by July 27, 2009, to be considered in the approval/disapproval decision on the Arctic FMP and Amendment 29. All comments received by that time, whether specifically directed to the Arctic FMP, to Amendment 29, or to the proposed rule, will be considered in the