Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * * * *
The Valero Refining Company—Tennessee, LLC.	Memphis, TN	Storm Water Basin sediment (EPA Hazardous Waste No. F037) generated one-time at a volume of 2,700 cubic yards March 10, 2010 and disposed in Subtitle D landfill. This is a one-time exclusion and applies to 2,700 cubic yards of Storm Water Basin sediment. (1) Reopener. (A) If, anytime after disposal of the delisted waste, Valero possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or ground water monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Division Director in granting the petition, then the facility must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data. (B) If Valero fails to submit the information described in paragraph (A) or if any other information is received from any source, the Division Director will make a preliminary determination as to whether the reported information requires EPA action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (C) If the Division Director determines that the reported information does require EPA action, the Division Director will notify the facility in writing of the actions the Division Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed EPA action is not necessary. The facility shall have 10 days from the date of the Division Director's notice to present such information. (D) Following the receipt of information from the facility described in paragraph (C) or if no information is presented under paragraph initial receipt of information described in paragraphs (A) or (B), the Division Director will issue a final written determination describing EPA actions that are necessary to protect human health or the environment. Any required action described in the Division Director's determination shall become effective immediately, unless the Division Director provides otherwise. (2) Notification Requirements: Valero must do the following before transporting the delisted waste: Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision. (A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) Update the one-time written notification, if they ship the delisted waste to a different disposal facility. (C) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.
*	*	* * * * * * *

[FR Doc. 2010–5097 Filed 3–9–10; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2009–0085]

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) 2007 passenger motor vehicles that occurred in calendar year (CY) 2007. The final 2007 theft data indicated a decrease in the vehicle theft rate experienced in CY/MY 2007. The final theft rate for MY 2007 passenger vehicles stolen in calendar year 2007 is 1.86 thefts per thousand vehicles, a decrease of ten percent from the rate of 2.08 thefts per thousand in 2006. 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. 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 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 § 33104(b)(4) mandate, this document reports the final 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 used in calculating the MY 2006 theft rates. (For 2006 theft data calculations, *see* 73 FR 60633, October 14, 2008). 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.

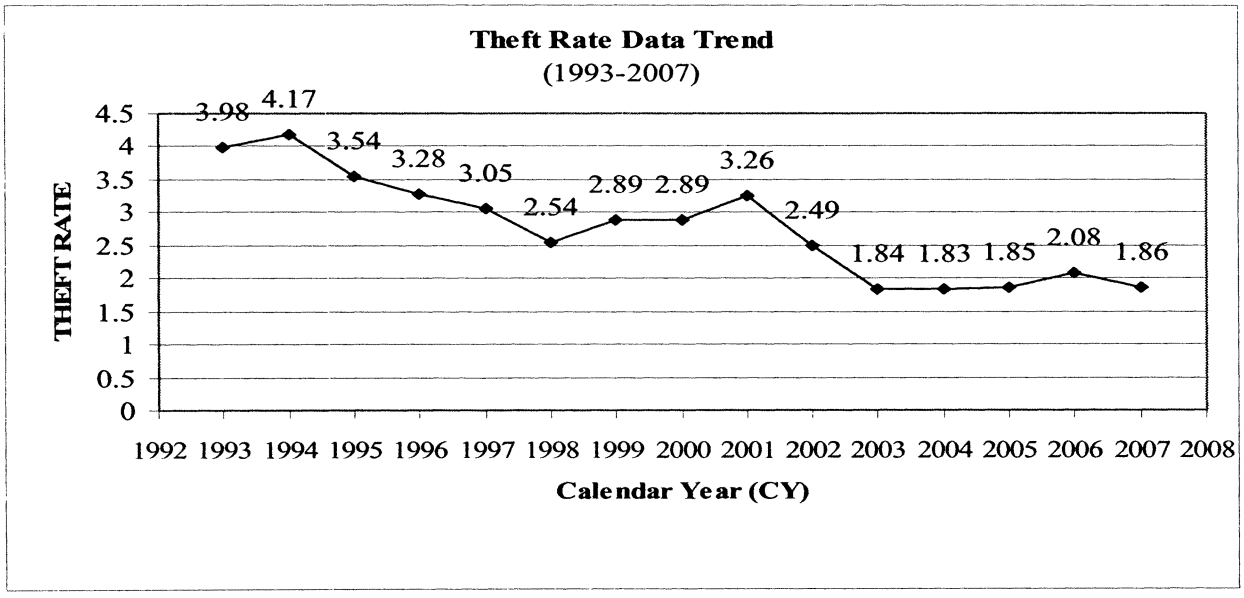
The 2007 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2007 vehicles of that line stolen during calendar year 2007 by the total number of vehicles in that line manufactured for MY 2007, as reported to the Environmental Protection Agency (EPA).

The final 2007 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2006. The final 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. The data has shown an overall decreasing trend in theft rates since CY 1993, with periods of increase from one year to the next.

For MY 2007 vehicles, out of a total of 206 vehicle lines, 16 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 16 vehicle lines with a theft rate higher than 3.5826, 14 are passenger car lines, two are a multipurpose passenger vehicle lines, and none are light-duty truck lines.

The 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. We note, however, that the theft rate from 2003 to 2007 is virtually unchanged (1.84 to 1.86). This suggests that the progress made since 1992 may have reached the limits of current approaches to reducing vehicle thefts, and that some new approaches should be added.

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



Theft rate per thousand vehicles produced

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.

On Wednesday, June 10, 2009, NHTSA published the preliminary theft rates for CY 2007 passenger motor vehicles in the **Federal Register** (74 FR 27493). The agency tentatively ranked each of the MY 2007 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 used written comments to make the necessary adjustments to its data. As a result of the adjustments, some of the final theft rates and rankings of vehicle lines changed from those published in the June 2009 notice. The agency received written comments from Volkswagen Group of America, Inc. (VW) and Nissan North America, Inc. (Nissan).

In its comments, VW informed the agency that the entries for the Audi RS4, Audi A8, Audi A4/A4 Quattro/S4/S4 Avant and Audi RS4 were listed with incorrect manufacturer designations. The final theft data has been revised to reflect that Audi is the manufacturer for

the Audi RS4, Audi A8, Audi A4/A4 Quattro/S4/S4 Avant and Audi RS4 vehicles.

Additionally, Nissan informed the agency that its Nissan Xterra and Versa vehicle lines were not listed in the agency's June 2009 publication of preliminary data. Upon review, the agency found that the Xterra vehicle line has a gross vehicle weight rating (GVWR) over 6,000 pounds. Therefore, because the scope of the Federal Motor Vehicle Theft Prevention Standard applies to only vehicles with a GVWR of 6,000 pounds or less, the Nissan Xterra was not included on the agency's publication. The agency also notes that the Nissan Versa was erroneously omitted from the publication of preliminary theft data and therefore, has corrected the final theft data to reflect the theft rate information for the Nissan Versa. As a result of this correction, the Nissan Versa is ranked No. 95 with a theft rate of 1.3216.

Further reanalysis of the theft rate data also revealed that the production volume listed for the Pontiac G5 was incorrect. The production volume for the Pontiac G5 has been corrected and the final theft list has been revised accordingly. As a result of the correction, the Pontiac G5 previously ranked No. 94 with a theft rate of 1.3216 is now ranked No. 2 with a theft rate of 11.2523.

Review of the theft rate data also revealed that the Chrysler Crossfire was not included on the publication of preliminary theft data. NHTSA has corrected the final theft data to include the Chrysler Crossfire. As a result of this correction, the final theft list has been revised accordingly. The Chrysler Crossfire, previously omitted, is now ranked No. 193 with a theft rate of 0.0000.

The following list represents NHTSA's final calculation of theft rates for all 2007 passenger motor vehicle lines. This list is intended to inform the public of calendar year 2007 motor vehicle thefts of model year 2007 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 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	GENERAL MOTORS	PONTIAC G5	54	4799	11.2523
3	CHRYSLER	DODGE CHARGER	1148	120636	9.5162
4	GENERAL MOTORS	CHEVROLET MONTE CARLO	174	21689	8.0225
5	GENERAL MOTORS	PONTIAC GRAND PRIX	534	77689	6.8736
6	CHRYSLER	300	715	121529	5.8834
7	MITSUBISHI	LANCER	12	2355	5.0955
8	ROLLS ROYCE	PHANTOM	2	398	5.0251
9	MERCEDES-BENZ	215 (CL-CLASS)	43	9296	4.6256
10	FORD MOTOR CO	TAURUS	510	114616	4.4496
11	CHRYSLER	SEBRING	338	78059	4.3301
12	CHRYSLER	PT CRUISER	443	104546	4.2374
13	SUZUKI	FORENZA	133	34236	3.8848
14	GENERAL MOTORS	PONTIAC G6	629	164306	3.8282
15	GENERAL MOTORS	CHEVROLET MALIBU	487	127718	3.8131
16	MITSUBISHI	GALANT	103	27141	3.7950
17	MAZDA	6	201	56178	3.5779
18	AUDI	AUDI RS4	5	1475	3.3898
19	CHRYSLER	PACIFICA	197	60392	3.2620
20	GENERAL MOTORS	CHEVROLET COBALT	703	215663	3.2597
21	FORD MOTOR CO	MUSTANG	518	159345	3.2508
22	FORD MOTOR CO	LINCOLN TOWN CAR	114	35281	3.2312
23	CHRYSLER	DODGE CALIBER	560	175537	3.1902
24	KIA	OPTIMA	127	40914	3.1041
25	NISSAN	350Z	49	15831	3.0952
26	NISSAN	INFINITI FX35	40	13346	2.9972
27	GENERAL MOTORS	CADILLAC DTS	140	47396	2.9538
28	GENERAL MOTORS	CHEVROLET IMPALA	769	267375	2.8761
29	KIA	SPECTRA	171	64591	2.6474
30	KIA	RIO	83	31947	2.5981
31	MITSUBISHI	ECLIPSE	107	42300	2.5296
32	FORD MOTOR CO	FOCUS	576	229738	2.5072
33	GENERAL MOTORS	CHEVROLET AVEO	166	67104	2.4738
34	HYUNDAI	SONATA	302	123439	2.4466
35	VOLVO	S40	53	21905	2.4195
36	HYUNDAI	ELANTRA	192	80133	2.3960
37	NISSAN	MAXIMA	152	63601	2.3899
38	BMW	M6	8	3400	2.3529
39	MITSUBISHI	ENDEAVOR	30	12805	2.3428
40	NISSAN	SENTRA	225	96584	2.3296
41	FORD MOTOR CO	CROWN VICTORIA	17	7424	2.2899
42	CHRYSLER	JEEP LIBERTY	209	91466	2.2850
43	GENERAL MOTORS	CHEVROLET HHR	223	99681	2.2371
44	MERCEDES-BENZ	220 (S-CLASS)	91	41867	2.1735
45	TOYOTA	COROLLA	740	351414	2.1058
46	NISSAN	INFINITI FX45	1	475	2.1053

FINAL 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)
47	GENERAL MOTORS	CHEVROLET TRAILBLAZER	257	122918	2.0908
48	GENERAL MOTORS	BUICK LACROSSE/ALLURE	113	54938	2.0569
49	HUMMER	H3	95	46341	2.0500
50	NISSAN	ALTIMA	413	202162	2.0429
51	SUZUKI	RENO	62	30424	2.0379
52	FORD MOTOR CO	MERCURY GRAND MARQUIS	81	39757	2.0374
53	JAGUAR	XK8	6	2965	2.0236
54	KIA	SORENTO	64	31798	2.0127
55	MAZDA	5	33	16424	2.0093
56	GENERAL MOTORS	SATURN ION	185	94117	1.9656
57	AUDI	AUDI A8	10	5106	1.9585
58	HYUNDAI	ACCENT	86	44314	1.9407
59	GENERAL MOTORS	CADILLAC CTS	97	53360	1.8178
60	FORD MOTOR CO	FUSION	266	146464	1.8161
61	NISSAN	PATHFINDER	76	42137	1.8036
62	HYUNDAI	AZERA	40	22218	1.8003
63	CHRYSLER	DODGE CARAVAN/GRAND CARAVAN	284	164003	1.7317
64	GENERAL MOTORS	CHEVROLET CORVETTE	65	37744	1.7221
65	BMW	M5	2	1163	1.7197
66	VOLKSWAGEN	JETTA	146	84922	1.7192
67	GENERAL MOTORS	PONTIAC G6	54	32894	1.6416
68	BMW	6	11	6779	1.6227
69	FORD MOTOR CO	FREESTAR VAN	30	18579	1.6147
70	NISSAN	INFINITI M35/M45	48	30144	1.5924
71	TOYOTA	YARIS	252	159292	1.5820
72	HONDA	ACCORD	664	421206	1.5764
73	CHRYSLER	DODGE NITRO	133	84441	1.5751
74	MAZDA	RX–8	9	5728	1.5712
75	FORD MOTOR CO	MERCURY MILAN	55	35375	1.5548
76	AUDI	AUDI A6/A6 QUATTRO/S6/S6 AVANT	18	11660	1.5437
77	FORD MOTOR CO	FIVE HUNDRED	94	61270	1.5342
78	TOYOTA	AVALON	121	79137	1.5290
79	NISSAN	MURANO	137	92516	1.4808
80	TOYOTA	HIGHLANDER	148	100956	1.4660
81	TOYOTA	CAMRY/SOLARA	1003	685729	1.4627
82	NISSAN	INFINITI G35	83	57041	1.4551
83	GENERAL MOTORS	CHEVROLET UPLANDER VAN	87	60061	1.4485
84	GENERAL MOTORS	CADILLAC STS	24	16746	1.4332
85	GENERAL MOTORS	CADILLAC XLR	2	1400	1.4286
86	HONDA	S2000	7	4907	1.4265
87	KIA	AMANTI	6	4343	1.3815
88	MERCEDES-BENZ	208 (CLK-CLASS)	19	13825	1.3743
89	NISSAN	FRONTIER PICKUP	87	64010	1.3592
90	GENERAL MOTORS	CHEVROLET COLORADO PICKUP	95	70012	1.3569
91	GENERAL MOTORS	GMC CANYON PICKUP	25	18483	1.3526
92	BMW	7	22	16421	1.3397
93	TOYOTA	FJ CRUISER	112	83830	1.3360
94	MAZDA	3	153	114723	1.3336
95	NISSAN	VERSA	107	80962	1.3216
96	SUBARU	IMPREZA	51	39198	1.3011
97	AUDI	AUDI A4/A4 QUATTRO/S4/S4 AVANT	64	49645	1.2892
98	NISSAN	QUEST VAN	47	36661	1.2820
99	HONDA	ACURA TSX	29	22669	1.2793
100	KIA	SPORTAGE	58	45512	1.2744
101	TOYOTA	TACOMA PICKUP	206	165714	1.2431
102	FORD MOTOR CO	RANGER PICKUP	94	77539	1.2123
103	TOYOTA	4RUNNER	132	109124	1.2096
104	MERCEDES-BENZ	170 (SLK-CLASS)	9	7459	1.2066
105	GENERAL MOTORS	SATURN AURA	77	64851	1.1873
106	GENERAL MOTORS	PONTIAC TORRENT	35	29918	1.1699
107	HONDA	HONDA CIVIC	389	332639	1.1694
108	GENERAL MOTORS	CADILLAC FUNERAL COACH/HEARSE	1	857	1.1669
109	MITSUBISHI	OUTLANDER	37	31873	1.1609
110	AUDI	AUDI A3/A3 QUATTRO	8	6992	1.1442
111	VOLKSWAGEN	GOLF/RABBIT/GTI	46	41314	1.1134
112	GENERAL MOTORS	CHEVROLET EQUINOX	94	87031	1.0801
113	HYUNDAI	TIBURON	15	13951	1.0752
114	VOLKSWAGEN	PASSAT	42	39867	1.0535

FINAL 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)
115	MERCEDES-BENZ	129 (SL-CLASS)	8	7648	1.0460
116	FORD MOTOR CO	MERCURY MONTEGO	16	15439	1.0363
117	GENERAL MOTORS	GMC ENVOY	38	36989	1.0273
118	HYUNDAI	TUCSON	45	44033	1.0220
119	HONDA	ACURA 3.2 TL	5	4905	1.0194
120	GENERAL MOTORS	BUICK TERRAZA VAN	8	7865	1.0172
121	FORD MOTOR CO	ESCAPE	110	108788	1.0111
122	JAGUAR	X-TYPE	3	3018	0.9940
123	HONDA	ACURA 3.5 RL	49	49471	0.9905
124	JAGUAR	VANDEN PLAS/SUPER V8	1	1010	0.9901
125	SUZUKI	SX4	15	15421	0.9727
126	VOLVO	S80	10	10805	0.9255
127	GENERAL MOTORS	PONTIAC VIBE	30	32499	0.9231
128	HONDA	ELEMENT	31	33688	0.9202
129	MAZDA	B SERIES PICKUP	3	3285	0.9132
130	BMW	5	47	51970	0.9044
131	GENERAL MOTORS	SATURN SKY	14	15546	0.9006
132	GENERAL MOTORS	BUICK LUCERNE	76	85922	0.8845
133	TOYOTA	LEXUS LS	31	35167	0.8815
134	HONDA	ACURA RDX	22	25159	0.8744
135	CHRYSLER	JEEP WRANGLER	88	100955	0.8717
136	FORD MOTOR CO	EDGE	105	121525	0.8640
137	KIA	RONDO	22	25524	0.8619
138	TOYOTA	LEXUS RX	82	98473	0.8327
139	VOLKSWAGEN	EOS	11	13406	0.8205
140	TOYOTA	RAV4	145	181051	0.8009
141	FORD MOTOR CO	FREESTYLE	30	38047	0.7885
142	HYUNDAI	SANTA FE	89	113815	0.7820
143	BMW	Z4/M	8	10568	0.7570
144	GENERAL MOTORS	PONTIAC SOLSTICE	16	21310	0.7508
145	SUZUKI	AERIO	4	5544	0.7215
146	PORSCHE	CAYMAN	4	5552	0.7205
147	PORSCHE	911	9	12521	0.7188
148	TOYOTA	LEXUS IS	41	57055	0.7186
149	MERCEDES-BENZ	203 (C-CLASS)	83	116282	0.7138
150	BENTLEY MOTORS	CONTINENTAL	3	4265	0.7034
151	BMW	X3	22	31365	0.7014
152	SUBARU	B9 TRIBECA	8	11538	0.6934
153	BMW	3	97	139966	0.6930
154	MAZDA	MAZDA CX–7	52	75137	0.6921
155	VOLVO	S60	14	20268	0.6907
156	CHRYSLER	JEEP PATRIOT	20	29421	0.6798
157	ASTON MARTIN	VANTAGE	1	1474	0.6784
158	KIA	SEDONA VAN	41	60873	0.6735
159	HONDA	FIT	46	68642	0.6701
160	SUBARU	LEGACY/OUTBACK	10	14963	0.6683
161	TOYOTA	SIENNA VAN	63	96072	0.6558
162	HONDA	ACURA MDX	35	53550	0.6536
163	FORD MOTOR CO	MERCURY MONTEREY VAN	1	1553	0.6439
164	FORD MOTOR CO	LINCOLN MKX	22	34571	0.6364
165	GENERAL MOTORS	BUICK RAINIER	3	4723	0.6352
166	SUBARU	OUTBACK	27	42747	0.6316
167	HONDA	PILOT	77	122033	0.6310
168	FORD MOTOR CO	LINCOLN ZEPHYR	20	32952	0.6069
169	JAGUAR	XKR	3	5030	0.5964
170	TOYOTA	LEXUS GS	17	28638	0.5936
171	VOLVO	V50	2	3373	0.5929
172	MERCEDES-BENZ	210 (E-CLASS)	31	52557	0.5898
173	MAZDA	MX–5 MIATA	7	13353	0.5242
174	VOLVO	XC90	15	30762	0.4876
175	GENERAL MOTORS	BUICK RENDEZVOUS	14	29187	0.4797
176	VOLKSWAGEN	NEW BEETLE	13	27249	0.4771
177	HYUNDAI	VERACRUZ	6	12726	0.4715
178	VOLVO	XC70	6	13197	0.4546
179	HONDA	CR–V	104	229378	0.4534
180	PORSCHE	BOXSTER	2	4427	0.4518
181	TOYOTA	LEXUS ES	54	121577	0.4442
182	SUBARU	FORESTER	19	43985	0.4320

FINAL 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)
183	BMW	MINI COOPER	15	38511	0.3895
184	JAGUAR	S-TYPE	1	2582	0.3873
185	TOYOTA	PRIUS	53	158715	0.3339
186	SAAB	9–3	7	22401	0.3125
187	HONDA	ODYSSEY VAN	64	208166	0.3074
188	FORD MOTOR CO	MERCURY MARINER	6	20842	0.2879
189	VOLVO	C70	1	5612	0.1782
190	TOYOTA	LEXUS SC	8	80617	0.0992
191	ASTON MARTIN	DB9	0	688	0.0000
192	BENTLEY MOTORS	ARNAGE	0	140	0.0000
193	BENTLEY MOTORS	AZURE	0	184	0.0000
194	CHRYSLER	CROSSFIRE	0	3412	0.0000
195	FERRARI	141	0	364	0.0000
196	FERRARI	612 SCAGLIETTI	0	66	0.0000
197	FERRARI	430	0	1382	0.0000
198	GENERAL MOTORS	CADILLAC LIMOUSINE	0	648	0.0000
199	JAGUAR	XJ8/XJ8L	0	1645	0.0000
200	JAGUAR	XJR	0	221	0.0000
201	LAMBORGHINI	MURCIELAGO	0	164	0.0000
202	LAMBORGHINI	GALLARDO	0	558	0.0000
203	MASERATI	QUATTROPORTE	0	2176	0.0000
204	SAAB	9–5	0	4084	0.0000
205	SPYKER	C8	0	7	0.0000
206	VOLVO	V70	0	3899	0.0000

Issued on: March 4, 2010.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 2010–5080 Filed 3–9–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2009–0010]
[MO 92210-0-0009-B4]

RIN 1018–AV87

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Oregon Chub (*Oregonichthys crameri*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for the Oregon chub (*Oregonichthys crameri*) under the Endangered Species Act of 1973, as amended (Act). In total, approximately 53 hectares (ha) (132 acres (ac)) located in Benton, Lane, Linn, and Marion Counties, Oregon, fall within the boundaries of the critical habitat designation.

DATES: This rule becomes effective on April 9, 2010.

ADDRESSES: This final rule, the economic analysis, comments and materials received, as well as supporting documentation we used in preparing this final rule, are available for viewing at *http://regulations.gov*at Docket No. FWS–R1–ES–2009–0010 and, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Portland, OR 97266; telephone 503–231–6179; facsimile 503–231–6195.

FOR FURTHER INFORMATION CONTACT: Paul Henson, State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office (see **ADDRESSES**). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

It is our intent to discuss only those topics directly relevant to the development and designation of critical habitat for the Oregon chub in this final rule. For a more complete discussion of the ecology and life history of this species, please see the Oregon Chub 5–year Review Summary and Evaluation completed February 11, 2008, which is available at: *http://www.fws.gov/pacific/ecoservices/endangered/recovery/Documents/Oregonchub.pdf* and the March 10, 2009, proposed rule (74 FR 10412).

Description and Taxonomy

The Oregon chub (*Oregonichthys crameri*) was first described in scientific literature in 1908 (Snyder 1908, pp. 181–182), but it wasn't until 1991 that it was identified as a unique species (Markle *et al.* 1991, pp. 284–289). Oregon chub have an olive-colored back (dorsum) grading to silver on the sides and white on the belly. Scales are relatively large with fewer than 40 occurring along the lateral line; scales near the back are outlined with dark pigment (Markle *et al.* 1991, pp. 286–288). While young of the year range in length from 7 to 32 millimeters (mm) (0.3 to 1.3 inches (in)), adults can be up to 90 mm (3.5 in) in length (Pearsons 1989, p. 17). The species is distinguished from its closest relative, the Umpqua chub (*Oregonichthys kalawatseti*), by Oregon chub's longer caudal peduncle (the narrow part of a fish's body to which the tail is attached), mostly scaled breast, and more terminal mouth position (Markle *et al.* 1991, p. 290).

Distribution and Habitat

Oregon chub are found in slack-water, off-channel habitats with little or no flow, silty and organic substrate, and considerable aquatic vegetative cover for hiding and spawning (Pearsons 1989, p.