

employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated mission critical or performing mission critical duties. The term also includes any applicant who is tentatively selected for a position described in this paragraph.

Mission Critical Space Systems means the collection of all space-based and ground-based systems used to conduct space missions or support activity in space, including, but not limited to, the crewed space system, space-based communication and navigation systems, launch systems, and mission/launch control.

Mission Critical Positions/Duties means positions or duties which, if performed in a faulty, negligent, or malicious manner, could jeopardize mission critical space systems and/or delay a mission.

(b)(1) The Contractor shall institute and maintain a program for achieving a drug- and alcohol-free workforce. As a minimum, the program shall provide for pre-employment, reasonable suspicion, random, post-accident, and periodic recurring (follow-up) testing of contractor employees in sensitive positions for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Contractor may establish its testing or rehabilitation program in cooperation with other contractors or organizations.

(2) In determining which positions to designate as "sensitive," the contractor may use the guidelines for determining testing designated positions in NASA Procedural Requirements (NPR) 3792.1, NASA's Plan for a Drug Free Workplace, as a guide for the criteria and in designating "sensitive" positions for contractor employees.

(3) This clause neither prohibits nor requires the Contractor to test employees in a foreign country. If the Contractor chooses to conduct such testing, this does not authorize the Contractor to violate foreign law in conducting such testing.

(4) The Contractor's program shall conform to the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" published by the Department of Health and Human Services (73 FR 71858) and the procedures in 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

(i) The Contractor shall test for the following drugs: Marijuana, Cocaine, Amphetamines, Opiates and Phencyclidine (PCP) in accordance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs Mandatory Guidelines, Section 3.1, and 49 CFR 40.85.

(ii) The contractor shall comply with the requirements and procedures for alcohol testing at 49 CFR part 40.

(iii) The use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law shall not be subject to the requirements this clause.

(5) The contractor shall conduct post-accident testing when the contractor determines the employee's actions are reasonably suspected of having caused or contributed to an accident resulting in death or personal injury requiring immediate hospitalization or damage to Government or private property estimated to exceed \$20,000. Upon request, the Contractor shall provide the results of post-accident testing to the Contracting Officer.

* * * * *

1852.246-70 [Removed and Reserved]

■ 8. Section 1852.246-70 is removed and reserved.

[FR Doc. 2015-25394 Filed 10-6-15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA-2015-0043]

RIN 2127-AL59

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2016 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2016

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

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year (MY) 2016 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard because they have been determined by the agency to be high-theft or because they have major parts that are interchangeable with a majority of the

covered major parts of passenger car or MPV lines. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because the vehicles are equipped with antitheft devices determined to meet certain statutory criteria.

DATES: The amendment made by this final rule is effective October 7, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Consumer Standards Division, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, 1200 New Jersey Avenue SE., (NVS-131, Room W43-302), Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-4807. Her fax number is (202) 493-0073.

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 § 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of § 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, those 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 those 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 identifies those vehicle lines that are or have been exempted from the theft prevention standard.

For MY 2016, 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. Therefore, Appendix A does not need to be amended.

For MY 2016, the list of lines that have been exempted by the agency from the parts-marking requirements of Part 541 is amended to include ten vehicle lines newly exempted in full. The ten exempted vehicle lines are the BMW X1(MPV), Lincoln MKX, Chevrolet Spark, Honda CRV, Jaguar XF, Maserati Ghibli, Mazda CX–3, Mercedes-Benz smart Line Chassis, Toyota Sienna and the Audi TT.

When publishing the August 11, 2014 final rule (See 79 FR 46715), the agency erroneously omitted the Chrysler 200 vehicle line from the Appendix A–I listing of ten vehicles that were exempted from the parts marking requirements for MY 2015. This notice corrects that error.

We note that the agency also removes from the list being published in the **Federal Register** each year certain vehicles lines that have been discontinued more than 5 years ago. Therefore, the agency is removing the Chevrolet Cobalt, Mercury Sable, Taurus X, Pontiac G6, Saturn Aura, Kia Amanti, Lexus SC and the Suzuki XL–7 vehicle lines from the Appendix A–I listing. The agency will continue to maintain a comprehensive database of all exemptions on our Web site. 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 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

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. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires agencies to evaluate the potential effects of their rules on small businesses, small organizations and small governmental jurisdictions. I have considered the effects of this rulemaking action under the Regulatory Flexibility Act and certify that it would not have a

significant economic impact on a substantial number of small entities. As noted above, the effect of this final rule is only to inform the public of agency’s previous actions.

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

¹ See 61 FR 4729, February 7, 1996.

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.

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

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. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.95.

■ 2. 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. X1 (MPV). ¹ X1(2012–2015). ² X3. X4. X5. Z4. 1 Car Line. 3 Car Line. 4 Car Line. 5 Car Line. 6 Car Line. 7 Car Line.
CHRYSLER	200. ³ 300C. Jeep Cherokee. Fiat 500. Town and Country MPV. Jeep Grand Cherokee. Jeep Patriot. Jeep Wrangler. Dodge Charger. Dodge Challenger. Dodge Dart. Dodge Journey.
FORD MOTOR CO	C-Maxx. Edge. Escape. Explorer. Fiesta. Focus. Fusion. Lincoln MKX. ¹ Lincoln Town Car. Mustang. Mercury Mariner. Mercury Grand Marquis.
GENERAL MOTORS	Taurus. Buick Lucerne. Buick LaCrosse. Buick LaCrosse/Regal. Buick Verano. Cadillac ATS. Cadillac CTS. Cadillac DTS/Deville. Cadillac SRX. Cadillac XTS/Deville. Chevrolet Camaro. Chevrolet Corvette. Chevrolet Cruze. Chevrolet Equinox. Chevrolet Impala/Monte Carlo. Chevrolet Malibu. Chevrolet Sonic. Chevrolet Spark. ¹

Manufacturer	Subject lines
HONDA	GMC Terrain. Pontiac G6. Saturn Aura. Accord. Acura TL. Civic. CRV. ¹
HYUNDAI	Azera. Genesis. Equus. F-Type. XF. ¹ XJ. XK. Land Rover Discovery Sport. Land Rover LR2. Land Rover Range Rover Evoque. Ghibli. ¹
JAGUAR	Quattroporte. 2. 3. 5. 6. CX-3. ¹ CX-5. CX-7. CX-9. MX-5 Miata. Tribute.
MASERATI	smart USA fortwo. smart Line Chassis. ¹
MAZDA	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) ⁴ (the models within this line are): S450. S500. S550. S600. S55. S63 AMG. S65 AMG. CL55. CL65. CL500. CL550. CL600. NGCC Chassis Line (CLA/GLA- Class) (the models within this line are): 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.
MERCEDES-BENZ	

Manufacturer	Subject lines
MITSUBISHI	E320 BLUETEC. E350 BLUETEC. E320/E320DT CDi. E350/E500/E550. E400 HYBRID. CLS400. CLS500. CLS55 AMG. CLS63 AMG.
NISSAN	Eclipse. Endeavor. Galant. iMiEV. Lancer. Outlander. Outlander Sport. Mirage. Altima. Cube. Juke. Leaf. Maxima. Murano. NV200 Taxi. Pathfinder. Quest. Rogue. Sentra. Versa (2008–2011). Versa Hatchback. Versa Note. Infiniti G (2003–2013). Infiniti M (2004–2013). Infiniti Q70. Infiniti Q50/60. Infiniti QX60.
PORSCHE	911. Boxster/Cayman.
SAAB	Macan. Panamera. 9–3. 9–5.
SUBARU	Forester. Impreza. Legacy. B9 Tribeca. Outback. WRX. XV Crosstrek.
SUZUKI	Kizashi.
TESLA	Model S. Model X.
TOYOTA	Camry. Corolla. Highlander. Lexus ES. Lexus GS. Lexus LS. Prius. RAV4.
VOLKSWAGEN	Sienna. ¹ Audi A3. Audi A4. A4 Allroad MPV. Audi A6. Audi A8. Audi Q3. Audi Q5. Audi TT. ¹ Beetle. Eos. Golf/Rabbit/GTI/R32. Jetta. New Beetle (renamed “Beetle” in MY 2012).

Manufacturer	Subject lines
VOLVO	Passat. Tiguan. S60.

¹ Granted an exemption from the parts marking requirements beginning with MY 2016.
² The X1 carline was replaced by the X1 MPV line beginning in MY 2016. According to BMW, production of its X1 carline ceased in MY 2015.
³ Granted an exemption from the parts marking requirements beginning with MY 2015.
⁴ According to Mercedes-Benz, the CL-Class was renamed the S-Coupe Class beginning with MY 2015.

Under authority delegated in 49 CFR part 1.95.
Raymond R. Posten,
Associate Administrator for Rulemaking.
 [FR Doc. 2015-25369 Filed 10-6-15; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 140707555-5880-02]

RIN 0648-XD370

Endangered and Threatened Wildlife and Plants; Final Rule To List the Dusky Sea Snake and Three Foreign Corals Under the Endangered Species Act

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

ACTION: Final rule.

SUMMARY: We, NMFS, issue a final rule to list three foreign corals and the dusky sea snake under the Endangered Species Act (ESA). We considered comments submitted on the proposed listing rule and have determined that the three foreign corals (*Cantharellus noumeae*, *Siderastrea glynni*, and *Tubastraea floreana*) and the dusky sea snake (*Aipysurus fuscus*) should be listed as endangered species. We will not designate critical habitat for any of the species because the geographical areas occupied by these species are entirely outside U.S. jurisdiction, and we have not identified any unoccupied areas within U.S. jurisdiction that are currently essential to the conservation of any of these species.

DATES: This final rule is effective November 6, 2015.

ADDRESSES: Chief, Endangered Species Division, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910, USA.

FOR FURTHER INFORMATION CONTACT:
 Dwayne Meadows, Ph.D., NMFS, Office of Protected Resources, (301) 427-8403.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from WildEarth Guardians to list 81 marine species as threatened or endangered under the Endangered Species Act (ESA). We found that the petitioned actions may be warranted for 27 of the 81 species and announced the initiation of status reviews for each of the 27 species (78 FR 63941, October 25, 2013; 78 FR 66675, November 6, 2013; 78 FR 69376, November 19, 2013; 79 FR 9880, February 21, 2014; and 79 FR 10104, February 24, 2014). On December 16, 2014, we published a proposed rule to list the dusky sea snake (*Aipysurus fuscus*) and three foreign corals (*Cantharellus noumeae*, *Siderastrea glynni*, and *Tubastraea floreana*) as endangered species, and we proposed to list the Banggai cardinalfish (*Pterapogon kauderni*) and Harrisson’s dogfish (*Centrophorus harrissoni*) as threatened species (79 FR 74953). We requested public comment on information in the status reviews and proposed rule, and the comment period was open through February 17, 2015. This final rule provides a discussion of the information we received during the public comment period and our final determination on the petition to list the three foreign corals (*Cantharellus noumeae*, *Siderastrea glynni*, and *Tubastraea floreana*) and the dusky sea snake (*Aipysurus fuscus*) under the ESA. Our final determinations for the other species proposed for listing in the December 16, 2014, proposed rule (79 FR 74953; Banggai cardinalfish (*Pterapogon kauderni*) and Harrisson’s dogfish (*Centrophorus harrissoni*)) will be made in a subsequent rule. The status of the findings and relevant **Federal Register** notices for those and the other 21 species can be found on our Web site at <http://www.nmfs.noaa.gov/pr/species/petition81.htm>.

We are responsible for determining whether species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we consider first

whether a group of organisms constitutes a “species” under the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines a “species” to include “any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.”

Section 3 of the ESA defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range” and a threatened species as one “which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” We interpret an “endangered species” to be one that is presently in danger of extinction. A “threatened species,” on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

Section 4(a)(1) of the ESA requires us to determine whether any species is endangered or threatened due to any one or a combination of the following five threat factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence. We are also required to make listing determinations based solely on the best scientific and commercial data available, after conducting a review of the species’ status and after taking into account efforts being made by any state or foreign nation to protect the species.

In making a listing determination, we first determine whether a petitioned species meets the ESA definition of a “species.” Next, using the best available information gathered during the status