Risks (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the temporary exemption from the requirement of a tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

IX. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 22, 2009.

Debra Edwards,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1290 is added to subpart D to read as follows:

§ 180.1290 *Pasteuria usgae*; **temporary exemption from the requirement of a tolerance.**

Pasteuria usgae is temporarily exempt from the requirement of a tolerance when applied/used as a nematicide on strawberries in accordance with the terms of EUP 85004-EUP-1. This temporary exemption from the requirement of a tolerance expires and is revoked on December 31, 2010.

[FR Doc. E9–18472 Filed 8–4–09; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 599

[Docket No. NHTSA–2009–0120]

RIN 2127–AK54; Notice 1

Requirements and Procedures for Consumer Assistance To Recycle and Save Program

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

ACTION: Final rule.

SUMMARY: This final rule amends the regulation implementing the Consumer Assistance to Recycle and Save (CARS) Program, published on July 29, 2009 in the Federal Register, under the CARS Act (Pub. L. 111–32). The rule clarifies the insurance eligibility requirements for trade-in vehicles under the CARS program. The rule makes substantive changes and a conforming amendment related to the timing for disabling trade-in vehicle engines. The rule also makes a technical amendment to the requirements and procedures for identifying salvage auctions and disposal facilities. Finally, we provide a clarification related to the insurance requirement under the CARS Act.

DATES: This final rule is effective August 5, 2009. *Petitions:* If you wish to petition for reconsideration of this rule, your petition must be received by September 21, 2009.

ADDRESSES: If you submit a petition for reconsideration of this rule, you should refer in your petition to the docket number of this document and submit your petition to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590.

The petition will be placed in the public docket. Anyone is able to search the electronic form of all documents received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review the complete User Notice and Privacy Notice for Regulations.gov at *http://www.regulations.gov/search/footer/privacyanduse.jsp.*

FOR FURTHER INFORMATION CONTACT: For questions, you may call David Bonelli, NHTSA Office of Chief Counsel, telephone (202) 366–5834.

SUPPLEMENTARY INFORMATION: This final rule amends the regulation implementing the Consumer Assistance to Recycle and Save (CARS) Program, published on July 29, 2009 (74 FR 37878), under the CARS Act (Pub. L. 111–32). The rule makes substantive changes and a conforming amendment related to the timing for disabling trade-in vehicle engines. The rule also makes a technical amendment to the requirements and procedures for identifying salvage auctions and disposal facilities. Finally, the agency clarifies the application of the insurance requirement under the CARS Act.

a. Engine Disablement

The rule currently requires a dealer that receives an eligible trade-in vehicle under the CARS program to disable that vehicle's engine prior to submitting an application for reimbursement and prior to transferring the vehicle to a disposal facility. That requirement is

implemented in sections 599.300(a), 599.300(d)(2), 599.300(e)(1)(i) and the certifications in Appendix A.

The agency has determined that the requirement for a dealer to disable the engine prior to submitting an application for reimbursement could create an undue hardship for a dealer in some circumstances. For example, a dealer operating in good faith may conduct a non-compliant transaction under the CARS program and extend a credit that is disapproved for reimbursement after the sale or lease of a new vehicle to a customer. If the engine of the trade-in vehicle has already been disabled under these circumstances, as the rule currently requires, the dealer would not only forgo a CARS credit reimbursement, but also be unable to recoup the full value of the trade-in vehicle to mitigate its loss.

With these considerations in mind, this final rule amends the provision relating to the timing of the dealer's disablement of the engine of the trade-in vehicle. The agency is removing the requirement that the dealer disable the engine prior to submitting an application for reimbursement and replacing it with a provision that allows engine disablement before or after submission of the application for reimbursement, but in all cases prior to leaving the dealership or property owned by or under the control of the dealership.

Accordingly, we are amending section 599.300(a) to specify that the dealer must store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until the engine is disabled. We are amending section 599.300(d) to remove the requirement for engine disablement prior to submission of the request for reimbursement and to insert a requirement that the dealer must disable the engine at its dealership or property owned by or under the control of the dealership not more than seven calendar days after the government reimburses the dealer for the value of the credit. The continued storage of the trade-in vehicle and the disablement of trade-in vehicle's engine are conditions of the government's payment of the credit to the dealer that the dealer is obligated to satisfy.

We are amending the certification in Appendix A to allow a dealer to certify, at the time of the submission of the application for reimbursement, that the dealer has either already disabled the engine at the dealership or property owned by or under the control of the dealership or will store the trade-in vehicle at the dealership or property owned by or under the control of the dealership and disable the engine at the dealership or property owned by or under the control of the dealership not more than seven calendar days after receiving electronic reimbursement for the credit. The amendment does not change the requirement that the dealer disable the engine before the trade-in vehicle is transferred to the disposal facility or salvage auction. The storage requirement enables the agency to inspect to see that the dealer has not shipped the trade-in vehicle prematurely. The rule makes a conforming change section 599.300(d)(3) to retain the requirement to mark the title prior to submission of the application for reimbursement. Finally, today's amendments do not affect the requirements for pre-July 24th trade-in vehicles under the program where the vehicle has already been transferred from the dealership.

b. Technical Amendments

The final rule currently requires salvage auctions, as a condition of participation in the program, to transfer trade-in vehicles only to a disposal facility listed on the agency's website at cars.gov/disposal or to a facility that disposes of vehicles in Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands. Section 599.201(a)(1) of the regulation incorrectly stated that a salvage auction may transfer the vehicle to a disposal facility identified in Section 599.201(b)(2) or (b)(3). The correct citations are Section 599.201(a)(2) or (a)(3). Today's amendment makes that correction.

The agency is amending the Dealer Certifications (Appendix A). We are removing the reference to the ''engine block'' and replacing it with the ''engine'' for conformity with the language in the regulation. In this same dealer certification, the phrase ''render inoperative'' is being replaced with the word ''disable.'' This change, too, allows the dealer certification form in Appendix A to conform to the language used throughout the rule. These changes do not change the meaning of the rule. The procedures of Appendix B, Engine Disablement Procedures for the CARS Program, continue to apply. These dealer certification changes will also be made to the electronic certification screen a dealer sees while entering a transaction. It may take some time to amend the electronic form. However, the new certifications are now available in the Summary of Sale sheet, which should be used immediately. The certifications on this form will control and the superseded certification on the electronic form will not be binding.

Finally, the agency is amending the Disposal Facility Certification Form (Appendix E) by replacing incorrect information in one of the input fields. We are removing ''End of Life Vehicle Solution (ELVS) Identification No. (if assigned)'' and replacing it with ''NHTSA Disposal Facility Identification No. (if assigned).'' The requested number is a unique identifier assigned by NHTSA to the disposal facility identified on the CARS website—it is not assigned by the ELVS program. This correction should resolve the instances of misdirected inquiries from dealers seeking a number from the ELVS program.

c. Insurance Eligibility Requirements

In addressing the requirement under the CARS Act that the trade-in vehicle be ''continuously insured consistent with the applicable State law,'' the agency stated in the preamble to the rule its interpretation that the Act requires all transactions to meet the continuous one-year insurance condition as a threshold matter with respect to any trade-in vehicle under the CARS program. Upon further consideration of the statutory language and because the prior interpretation has only been in effect a few days, the agency has concluded that, in those States with no insurance requirement, the rule's requirement unfairly penalizes consumers who are in compliance with State law. Therefore, today's interpretation exempts trade-in vehicles registered in New Hampshire and Wisconsin from the one-year insurance requirement because both New Hampshire and Wisconsin have no insurance requirement under State Law. As this interpretation is not inconsistent with the existing regulatory text, no change to the rule is necessary; however, the dealer and purchaser certifications (Appendix A) are being amended to make today's interpretation clear.

Statutory Basis for This Action

This final rule makes amendments to implement the Consumer Assistance to Recycle and Save Act (CARS Act) (Pub. L. 111–32), which directs the Secretary to issue final regulations.

APA Requirements and Effective Date

The rule is being issued without first providing a notice and an opportunity for public comment. Section 1302(d) of the CARS Act provides that ''notwithstanding'' the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate

final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Given that schedule and the fact that this 4-month program with a statutorily fixed end date has already begun, the agency finds for good cause that providing notice and comment is impracticable and contrary to the public interest for these changes to the final rule. Drafting and issuing a proposed rule, providing a period for public comment, and addressing those comments in the final rule would have been highly impracticable in the time available and would have substantially delayed issuance of this final rule. Because sales of new vehicles under the program have begun in what appears to be high volume, we believe it is necessary to provide these amendments and clarification immediately so that no one will be harmed in making transactions.

Because of the CARS Act schedule and the fact that the 4-month program has already begun, the agency finds that it has good cause to make this rule effective fewer than 30 days after the publication in the **Federal Register**. In view of the fact that sales of new vehicles under the program have begun in what appears to be high volume, we believe it is necessary to provide these amendments and clarifications immediately so that no one will be harmed in making transactions. We also note that, other than the technical provisions, this rule is relieving restrictions in the original final rule. It would, therefore, be inconsistent with Congressional intent, impracticable, and contrary to the public interest, to delay the effective date of the regulation, which would, in turn, adversely affect effective implementation of the program.

Accordingly, the effective date of this final rule is August 5, 2009.

Regulatory Analyses and Notices

Because of the public and Congressional interest in the CARS program, this rulemaking is considered significant under Executive Order 12866 and the Department of Transportation's Regulatory Policies and Procedures. It was reviewed by the Office of Management and Budget. The agency has discussed the relevant requirements of the Regulatory Flexibility Act, Executive Order 13132 (Federalism), Executive Order 12988 (Civil Justice Reform), the National Environmental Policy Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act in the July 29, 2009 final rule cited above. This rule does not change the finding in those analyses.

Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulatory identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Privacy Act

Please note that 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 the complete User Notice and Privacy Notice for Regulations.gov at *http://www.regulations.gov/search/footer/privacyanduse.jsp.*

List of Subjects in 49 CFR Part 599

Fuel Economy, Motor Vehicle Safety.

■ In consideration of the foregoing, NHTSA hereby amends 49 CFR part 599 as set forth below.

PART 599—REQUIREMENTS AND PROCEDURES FOR CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT PROGRAM

■ 1. The authority citation for Part 599 continues to read as follows:

Authority: 49 U.S.C. 32901, Notes; delegation of authority at 49 CFR 1.50.

■ 2. Section 599.201 is amended by revising paragraph (a)(1) to read as follows:

§ 599.201 Identification of salvage auctions and disposal facilities.

(a) * * *

(1) A salvage auction that will transfer trade-in vehicles received under this program only to a disposal facility identified in paragraph (a)(2) or (a)(3) of this section.

* * * * *

■ 3. Section 599.300 is amended by revising paragraphs (a), (d) introductory text, (d)(2), and (d)(3), to read as follows:

§ 599.300 Requirements for qualifying transactions.

(a) *In general.* To qualify for a credit under the CARS Program, a dealer must sell or lease a new vehicle that meets eligibility requirements to a purchaser, obtain a trade-in vehicle that meets eligibility requirements from the purchaser, satisfy combined fuel economy requirements for both the new and trade-in vehicles, store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until the engine is disabled, disable the engine of the trade-in vehicle at the dealership or property owned by or under the control of the dealership, satisfy the limitations and restrictions of the program, arrange for disposal of the trade-in vehicle at a qualifying disposal facility or through a qualifying salvage auction, and register and submit a complete application for reimbursement to NHTSA, demonstrating that it meets all the requirements of this part.

* * * * *

(d) *Trade-In Vehicle—Disclosure of Scrap Value, Engine Disablement, and Title Marking.* As part of a qualifying transaction under this part, the dealer shall:

* * * * *

(2) Except as provided in paragraph (e) of this section, store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until its engine is disabled following the procedures set forth in Appendix B to this part, disable the engine of the trade-in vehicle at the dealership or property owned by or under the control of the dealership following the procedures set forth in Appendix B to this part, and certify, as provided in Appendix A to this part, dealer certifications section, that either the engine of the trade-in vehicle has been disabled at the dealership or property owned by or under the control of the dealership, or that the trade-in vehicle will be stored at the dealership or property owned by or under the control of the dealership until the engine is disabled and the engine of the trade-in vehicle will be disabled by the dealer at the dealership or property owned by or under the control of the dealership not more than seven calendar days after the dealer's receipt of payment for the transaction; and

(3) Prior to submitting an application for reimbursement under § 599.302, legibly mark the front and back of the trade-in vehicle's title in prominent letters that do not obscure the owner's name, VIN, or other writing as follows: ''Junk Automobile, CARS.gov.''

* * * * *

■ 4. Revise Appendix A to Part 599 to read as follows:

BILLING CODE 4910–59–P

Appendix A to Part 599 – Summary of Sale/Lease and Certifications

OMB No. 2127-0660
Expiration Date: 01/31/2010

NHTSA www.nhtsa.gov

Summary of Sale/Lease & Certifications Form

CARS car allowance rebate system

SUMMARY OF SALE OR LEASE

Date of Sale or Lease	
Purchaser Name(s)	
Purchaser Address	
Purchase or Lease (please specify)	
Make	
Model	
Model Year	
New Vehicle VIN	
Trade-In Vehicle VIN	
New Vehicle Base MSRP	
CARS Credit Applied ($3,500 or $4,500)	
Dealer's Best Estimate of Trade-In Vehicle Scrappage Value	
Dealer Rebate(s) or Discount(s) (please specify; if none, enter "none.")	
Manufacturer Rebate(s) or Discount(s) (please specify; if none, enter "none.")	
Other available Federal, State, or local incentive(s) or State-issued voucher(s) (please specify; if none, enter "none.")	
Other Rebate(s) or Discount(s) (please specify; if none, enter "none.")	

WARNING

This is a legal document that contains certifications under penalty of law. There are significant civil and criminal penalties for submitting false information. Please read each certification and ensure that the information that you are certifying by signing this document is, to the best of your knowledge and belief, true, accurate, and complete.

DEALER CERTIFICATIONS

The person signing this document as "Dealer" certifies under penalty of law that:

Registration in the CARS Program

- The dealer has been approved as a registered dealer under the CARS program.
- The dealer has a currently active business license under State law to operate a new automobile dealership.
- The dealer has a currently active franchise agreement with an original equipment manufacturer to sell new automobiles.

Summary of Sale or Lease

- The summary of sale or lease set forth above is true and correct.

Purchaser and Trade-In Vehicle Eligibility for the CARS Program

- I have verified the identity of the person signing this document under "Purchaser" (hereinafter simply "Purchaser").
- I have verified that the trade-in vehicle is in drivable condition, and I or an employee under my direction or supervision has operated the trade-in vehicle to confirm that the trade-in vehicle is in drivable condition.
- I have verified that the trade-in vehicle has been continuously insured for a period of not less than one (1) year prior to the date of this transaction (not applicable to trade-in vehicles registered in New Hampshire or Wisconsin).
- I have verified that the Purchaser has been the registered owner of the trade-in vehicle continuously for a period of not less than one (1) year prior to the date of this transaction.
- I have observed the trade-in vehicle's date of manufacture (both month and year) as it appears on the trade-in vehicle's safety standard certification label, and have verified that the trade-in vehicle was manufactured less than 25 years before the date of the trade-in.
- I have verified that the trade-in vehicle's fuel economy is eligible for the CARS program.

New Vehicle Eligibility for the CARS Program

- The new vehicle is being purchased or, in the case of a lease, leased for a period of not less than five (5) years.
- I have verified that the CARS program credit amount requested (i.e., either $3,500.00 or $4,500.00, as applicable) corresponds to the difference between the trade-in vehicle's fuel economy and the new vehicle's fuel economy under the requirements of the CARS program.
- The new vehicle has a base manufacturer's suggested retail price (MSRP) as shown on the Monroney label affixed to the new vehicle of $45,000 or less (exclusive of any accessories, optional equipment, taxes or destination charges).

Transaction Conforms to the Requirements of the CARS Program

- I have reduced the price of the new vehicle that is being purchased or leased by the CARS Program credit amount requested (i.e., either $3,500.00 or $4,500.00, as applicable).

- I have disclosed to the Purchaser the best estimate of the scrappage value of the trade-in vehicle.
- I have retained no more than $50.00 of the scrappage value as payment for any of the dealer's administrative costs in connection with this CARS transaction.
- I have not charged the Purchaser any additional fees for participating in the CARS program in this transaction.
- I have applied the credit under the CARS program in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new vehicle, and have not used the CARS program credit to offset any such other rebate or discount.
- I have not reduced the value of the CARS program credit amount requested (i.e., either $3,500.00 or $4,500.00, as applicable) by any other available Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile.

Disposal of the Trade-in Vehicle

- The trade-in vehicle has not been, and will not be, sold, leased, exchanged or otherwise disposed of for use as an automobile in the United States or in any other country.
- As a condition of the government's payment of the credit to me, (a) I have disabled the engine following the procedures of the CARS Program; or (b) I will store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until the engine is disabled by me, and will disable the engine following the procedures of the CARS Program not more than seven calendar days after receiving payment by the government for the transaction and prior to transferring possession of the trade-in vehicle; or, (c) if this transaction occurred prior to July 24, 2009 and the trade-in vehicle is no longer in my possession, then I have either located the vehicle, disabled the engine following the procedures of the CARS Program and hereby certify that I have done so, or I am submitting to NHTSA under Miscellaneous Documents a sworn affidavit from a disposal facility that the engine block has been crushed or shredded.
- I have transferred or will transfer the trade-in vehicle, including the engine block, to either: (a) a CARS program participating disposal facility that will crush or shred the trade-in vehicle; or, (b) to a participating salvage auction that will transfer the vehicle to such a disposal facility.
- I have provided the disposal facility and/or salvage auction information and written notice that it is responsible for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with all applicable Federal and State requirements.

PURCHASER CERTIFICATIONS

All persons signing this document as "Purchaser" certifies under penalty of law that:

Summary of Sale or Lease

- The summary of sale or lease set forth above is true and correct.

Purchaser and Trade-In Vehicle Eligibility for the CARS Program

- The information I have provided to the dealer verifying my identity is true and correct.
- I have not previously participated in the CARS program.
- The trade-in vehicle is in drivable condition, and an employee of the dealer has operated the trade-in vehicle to confirm that the trade-in vehicle is in drivable condition.

- The trade-in vehicle has been continuously insured for a period of not less than one (1) year prior to the date of this transaction (not applicable to trade-in vehicles registered in New Hampshire or Wisconsin).
- I have been the registered owner of the trade-in vehicle continuously for a period of not less than one (1) year prior to the date of this transaction.
- The trade-in vehicle was manufactured less than 25 years before the date of this transaction.
- The trade-in vehicle's fuel economy is eligible for the CARS program.
- The trade-in vehicle has not been a part of any previous CARS program transaction.

I certify under penalty of law that:

- ***I have authority to execute this document,***
- ***I have read each of the foregoing certifications,***
- ***I understand that payment of the CARS program credit amount is conditioned on compliance with these certifications,***
- ***This document, and all attachments, were either prepared by me or prepared under my direction or supervision,***
- ***The information set forth in this document, and all attachments, is, to the best of my knowledge and belief, true, accurate, and complete,***
- ***I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties under the CARS program, suspension or revocation of continued participation in the CARS program, as well as fines and/or imprisonment.***

DATE: _____, 2009

DEALER

_____
(signature)

_____
(print name)

_____
(title)

_____
(contact phone and e-mail)

DATE: _____, 2009

PURCHASER

_____
(signature)

_____
(print name)

DATE: _____, 2009

PURCHASER (ADDITIONAL) (if any)

_____
(signature)

_____
(print name)

Privacy Act Statement

This notice is provided pursuant to the Privacy Act of 1974, 5 USC § 552a: This information is solicited under the authority of Public Law 111-32, 123 Stat. 1859. Furnishing the information is voluntary, but failure to provide all or part of the information may result in disapproval of your request for a credit on this purchase or lease transaction under the Cars Program. The principal purposes for collecting the information are to determine if purchase or lease transactions are eligible for credits under the CARS Program, to ensure proper disposal of trade-in vehicles, to prevent, identify and penalize fraud in connection with the Program, and to update an existing government database of Vehicle Identification Numbers. If you complete the optional survey, the survey information will be used to report to Congress on the Program. Other routine uses are published in the Federal Register at 65 F.R. 19476 (April 11, 2000), available at: www.dot.gov/privacy.

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2127-0660. Public reporting for this collection of information is estimated to be approximately 17 minutes per response for dealers, 11 minutes for buyers, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave, S.E., Washington, DC, 20590.

NHTSA Form 1072

■ 5. Revise Appendix E to Part 599 to read as follows:

***Appendix E to Part 599** – Disposal Facility Certification Form*

OMB No. 2127-0658
Expiration Date: 01/31/2010

NHTSA www.nhtsa.gov

Disposal Facility Certification Form

CARS car allowance rebate system

Disposal Facility Information
CARS Invoice No. (if available)
NHTSA Disposal Facility Identification No. (if assigned)
Legal Business Name
Doing Business As (DBA)/Common Name (if different from Legal Business Name)
Address (including Street, City, State, ZIP Code)

Trade-In Vehicle Information		
Make	Model	Model Year
Trade-In Vehicle VIN	Odometer Mileage	

Dealer or Salvage Auction Transferring Trade-In Vehicle Information		
Legal Business Name		
Doing Business As (DBA)/Common Name (if different from Legal Business Name)		
Address (including Street, City, State, ZIP Code)		
Check one: [ ] Dealer [ ] Salvage Auction	Contact Name and Title	Contact Phone and Email
Address (including Street, City, State, ZIP Code)	Date this Facility Received the Trade-In Vehicle from Dealer or Salvage Auction	

WARNING

This is a legal document that contains certifications under penalty of law. There are significant civil and criminal penalties for submitting false information. Please read each certification and ensure that the information that you are certifying by

signing this document is, to the best of your knowledge and belief, true, accurate, and complete.

The person signing this document certifies under penalty of law that:

- This facility appears on the CARS program Disposal Facility List.
- This facility participates in the End of Life Vehicle Solutions (ELVS) program. (Excluding facilities located in Maine or a U.S. territory).
- This facility is capable of crushing or shredding the trade-in vehicle, either with its own equipment or by use of a mobile crusher.
- This facility meets all applicable Federal and State laws.
- This facility has a currently active State license to operate as a disposal facility in the State where it is located.
- This facility received the trade-in vehicle bearing the above listed Vehicle Identification Number (VIN) on the date listed above from the dealer or salvage auction listed above.
- I, or an employee of this facility under my direction or supervision, will report to the National Motor Vehicle Title Information System (NMVTIS) the status of the trade-in vehicle as a scrap vehicle not more than seven (7) days after the above-listed date of receipt.
- The trade-in vehicle has not been, and will not be, sold, leased, exchanged or otherwise disposed of for use as an automobile in the United States or in any other country.
- This facility will not transfer the trade-in vehicle to another disposal facility prior to its crushing or shredding.
- This facility will not sell or transfer the trade-in vehicle's engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts) at any time prior to its crushing or shredding.
- I, or an employee of this facility under my direction or supervision, will dispose of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of the trade-in vehicle, in accordance with all applicable Federal and State requirements.
- If this facility participates in ELVS, I, or an employee of this facility under my direction or supervision, will return all mercury switches in accordance with the procedures of the National Vehicle Mercury Switch Recovery Program (NVMSRP).
- I, or an employee of this facility under my direction or supervision, will crush or shred (or cause to be crushed or shredded on our premises), the trade-in vehicle within one-hundred eighty (180) days after the above-listed date of receipt.
- I, or an employee of this facility under my direction or supervision, will report to NMVTIS that this facility crushed or shredded the trade-in vehicle not more than seven (7) days after the date of crushing or shredding. (Note: The CARS program does not require that this facility, or any other entity which may subsequently receive the crushed trade-in vehicle, subsequently submit to NHTSA a CARS program Disposal Facility Certification Form, nor does it require that this facility, or any other entity which may subsequently receive the crushed trade-in vehicle, report to NMVTIS that the crushed trade-in vehicle has been shredded).

I certify under penalty of law that:

- ***I have authority to execute this document,***
- ***I have read each of the foregoing certifications,***
- ***This document, and any attachments, were either prepared by me or prepared under my direction or supervision,***
- ***The information set forth in this document, and any attachments, is, to the best of my knowledge and belief, true, accurate, and complete,***

- ***I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties under the CARS program, suspension or revocation of continued participation in the CARS program, as well as fines and/or imprisonment.***

DATE: _____, 2009

DISPOSAL FACILITY

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(signature)

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NHTSA Form 1073

Issued on: July 31, 2009.

Ronald L. Medford,

Acting Deputy, Administrator.

[FR Doc. E9–18835 Filed 8–3–09; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 09100091344–9056–02]

RIN 0648–XQ75

Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of ''other rockfish'' in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2009 total allowable catch (TAC) of ''other rockfish'' in the Western Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 31, 2009, through 2400 hrs, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 TAC of ''other rockfish'' in the Western Regulatory Area of the GOA is 357 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish of the GOA (74 FR 7333, February 17, 2009).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2009 TAC of ''other rockfish'' in the Western Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that ''other rockfish'' caught in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the prohibition of retention of ''other rockfish'' in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 30, 2009.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 31, 2009.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E9–18703 Filed 7–31–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 09100091344–9056–02]

RIN 0648–XQ76

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2009 total allowable catch (TAC) of Pacific ocean perch in the Western Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 31, 2009, through 2400 hrs, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA is 3,713 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish of the GOA (74 FR 7333, February 17, 2009).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2009 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that Pacific ocean perch caught in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the prohibition of retention of shortraker rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 30, 2009.

The AA also finds good cause to waive the 30–day delay in the effective