

Control and Prevention, 1600 Clifton Road NE., Mailstop E-03, Atlanta, Georgia 30333; telephone 404-498-1600.

**SUPPLEMENTARY INFORMATION:** On December 26, 2012, HHS/CDC published a Direct Final Rule (DFR) amending 42 CFR part 70 to update the Scope and Definitions for that part (77 FR 75880). On the same date, HHS/CDC simultaneously published a companion Notice of Proposed Rulemaking (NPRM) that proposed identical updates to the Scope and Definitions (77 FR 75936). In both documents, HHS/CDC indicated that if we did not receive any significant adverse comments on the direct final rule by January 25, 2013, we would publish a document in the **Federal Register** withdrawing the NPRM and confirming the effective date of the direct final rule within 30 days after the end of the comment period. HHS/CDC received one public comment that was not a significant, adverse comment, but rather, was in support of the companion NPRM. Because HHS/CDC did not receive any significant adverse comments to the NPRM within the specified comment period, we have published a document to withdraw the NPRM in this issue of the **Federal Register**. Therefore, consistent with the Direct Final Rule, the amendments to 42 CFR part 70 become effective on February 25, 2013 (77 FR 75880).

Dated: February 13, 2013.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2013-04137 Filed 2-22-13; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 71

[Docket No. CDC-2012-0017]

**RIN 0920-AA12**

### Control of Communicable Diseases: Foreign; Scope and Definitions

**AGENCY:** Centers for Disease Control and Prevention (HHS/CDC), Department of Health and Human Services (HHS).

**ACTION:** Confirmation of effective date of direct final rule.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS) is publishing this document to confirm the effective date of the Direct Final Rule (DFR), published on December 26, 2012 (77 FR 75939).

**DATES:** The Direct Final Rule published at 77 FR 75939, December, 26, 2012, becomes effective on February 25, 2013.

**FOR FURTHER INFORMATION CONTACT:** For questions concerning this notice: Ashley A. Marrone, JD, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop E-03, Atlanta, Georgia 30333; telephone 404-498-1600.

**SUPPLEMENTARY INFORMATION:** On December 26, 2012, HHS/CDC published a Direct Final Rule (DFR) amending 42 CFR part 71 to update the Scope and Definitions for that part (77 FR 75885). On the same date, HHS/CDC simultaneously published a companion Notice of Proposed Rulemaking (NPRM) that proposed identical updates to the Scope and Definitions (77 FR 75939). In both documents, HHS/CDC indicated that if we did not receive any significant adverse comments on the direct final rule by January 25, 2013, we would publish a document in the **Federal Register** withdrawing the NPRM and confirming the effective date of the direct final rule within 30 days after the end of the comment period. HHS/CDC received two comments to the companion NPRM. One comment pertained to food safety that raised issues unrelated to the companion NPRM and appears to have been submitted in error. The second comment was a general comment on immigration and was outside the scope of this rulemaking. HHS/CDC did not consider this comment to be a significant, adverse comment because it did not raise any issues that were relevant to the subject matter under consideration. Because HHS/CDC did not receive any relevant significant adverse comments within the specified comment period, we have published a notice to withdraw the NPRM in this issue of the **Federal Register**. Therefore, consistent with the Direct Final Rule the amendments to 42 CFR part 71 become effective on February 25, 2013 (77 FR 75885).

Dated: February 13, 2013.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2013-04136 Filed 2-22-13; 8:45 am]

**BILLING CODE 4163-18-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 12-225; RM-11668; DA 13-92]

### Radio Broadcasting Services; Greenup, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Audio Division, at the request of Word Power, Inc., allots a first local service to Greenup, Illinois, and reserves Channel \*230A at Greenup for noncommercial educational use. A staff engineering analysis confirms that Channel \*230A at Greenup would provide a first and/or second NCE radio service to 67.5 percent (21,149 persons) of the total population of 31,338 persons. Channel \*230A can be allotted to Greenup consistent with the distance separation requirements of Section 73.207 of the Commission's rules with a site restriction 4.6 kilometers (2.9 miles) southwest of the community. The reference coordinates for Channel \*230A are 39-12-38 NL and 88-11-15 WL.

**DATES:** Effective March 11, 2013.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, adopted January 24, 2013, and released January 25, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or via email [www.BCPIWEB.com](http://www.BCPIWEB.com). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

## **PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

### **§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Greenup, Channel \*230A. [FR Doc. 2013-04169 Filed 2-22-13; 8:45 am]

**BILLING CODE 6712-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 544**

[Docket No. NHTSA-2013-0024]

#### **Insurer Reporting Requirements**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule repeals NHTSA's regulation requiring motor vehicle insurers to submit information on the number of thefts and recoveries of insured vehicles and actions taken by the insurer to deter or reduce motor vehicle theft. NHTSA is repealing this regulation because the agency's only available statutory authority to require insurers to submit this information was removed by the Motor Vehicle and Highway Safety Improvement Act of 2012 (Mariah's Act) (incorporated into the Moving Ahead for Progress in the 21st Century Act (MAP-21)). Given that NHTSA no longer has the authority to require insurers to submit this information and thus has no discretion to take any action other than rescinding the regulation, the agency did not issue a notice of proposed rulemaking (NPRM) prior to this final rule. Under those circumstances, public comment to the rulemaking is unnecessary.

The repeal of the authority to maintain and enforce the insurer reporting requirements reduced the paperwork burden on the public by 13,375 hours and reduced the cost to the

government in collecting the information by \$64,000.

**DATES:** *Effective date:* This final rule is effective February 25, 2013. *Petitions for reconsideration:* Petitions for reconsideration of this final rule must be received not later than April 11, 2013.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Ground Floor, Docket Room W12-140, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, by electronic mail to [Carlita.Ballard@dot.gov](mailto:Carlita.Ballard@dot.gov). Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Pursuant to 49 U.S.C. 33112, *Insurer Reports and Information*, NHTSA issued a regulation requiring certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer is required to report information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. This statute also gives NHTSA the discretion to exempt small insurers from the reporting requirements if the agency finds that such an exemption will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a state-by-state basis.

In order to carry out 49 U.S.C. 33112, NHTSA promulgated 49 CFR part 544, *Insurer Reporting Requirements*, which requires insurers to submit information about the make, model, and year of all vehicle thefts, the make, model, and year of all vehicle recoveries, whether the vehicle was recovered in whole or in part, the dollar amount of the insurer's claims paid out due to theft, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. The following insurers are subject to the reporting requirements:

(1) Issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States;

(2) issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one state; and

(3) rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

This final rule repeals Part 544 because 49 U.S.C. 33112, which gives the agency the authority to require insurers to submit information about motor vehicle thefts, was repealed by Mariah's Act.<sup>1</sup> Apart from 49 U.S.C. 33112, the agency does not have any statutory authority on which it could rely to require insurers to submit the information required under Part 544. NHTSA has the authority under 49 U.S.C. 32303, *Insurance Information*, to require insurers to submit accident claim information about physical damage, repair costs, and personal injury but that statute does not provide the agency with the authority to collect information from insurers about motor vehicle thefts. Furthermore, 49 U.S.C. 33102, *Theft Prevention Standard for High Theft Lines*, states that NHTSA's general authority to issue theft prevention standards does not authorize the agency to require any person to keep records or make reports related to motor vehicle thefts unless the agency has express statutory authority to do so. NHTSA has statutory authority to issue motor vehicle safety standards, recall defective and noncompliant vehicles, ensure that imported vehicles comply with Federal motor vehicle safety standards, issue bumper standards, prevent odometer fraud, issue fuel economy standards and issue theft prevention standards. None of the statutory provisions that authorize those activities give NHTSA the authority to continue to require insurers to submit information about motor vehicle thefts. Because the statute authorizing NHTSA to require insurers to report information about motor vehicle thefts has been repealed and the agency does not have any other basis to require insurers to submit this information, we are issuing this final rule to repeal Part 544.

The effective date of this final rule is the date of publication. However, Part 544 ceased to be enforceable on October 1, 2012, the effective date of the provision in Mariah's Act removing the

<sup>1</sup> Public Law 112-141.