

released April 24, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-11734 Filed 5-1-98; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No. 98-001; Notice 01]

RIN 2127-AH05

Insurer Reporting Requirements; List of Insurers Required to File Reports

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

ACTION: Notice of proposed rulemaking.

SUMMARY: NHTSA proposes to update its lists in appendices A, B, and C of part 544 of passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences. If these revised appendices are adopted in a final rule, each insurer included in any of these appendices must file a report for the 1995 calendar year not later than October 25, 1998. Further, as long as they remain listed,

they must submit reports by each subsequent October 25.

DATES: Comments on this proposed rule must be received by this agency not later than July 6, 1998. If this rule is made final, insurers listed in the appendices would be required to submit reports beginning with the one due October 25, 1998.

ADDRESSES: Comments on this proposed rule must refer to the docket number referenced in the heading of this notice, and be submitted to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 49 U.S.C. 33112, *Insurer reports and information*, NHTSA requires certain passenger motor vehicle insurers to file an annual report. Each insurer's report includes 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. Under the agency's implementing regulation, 49 CFR part 544, the following insurers are subject to the reporting requirements: (1) Those 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) Those 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.

Pursuant to its statutory exemption authority, the agency has exempted smaller passenger motor vehicle insurers from the reporting requirements.

A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that the agency shall exempt small insurers of passenger motor vehicles if NHTSA

finds that such exemptions will not significantly affect the validity or usefulness of the information in the reports, either nationally or on a State-by-State basis. The term "small insurer" is defined in section 33112(f)(1)(A) and (B) as an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under State law or regulation for the issuance of motor vehicle insurance, account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulates that if an insurance company satisfies this definition of a "small insurer," but accounts for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular State, the insurer must report about its operations in that State.

As described in the final rule establishing the requirement for insurer reports (52 FR 59, January 2, 1987), in 49 CFR part 544, NHTSA exercises its exemption authority by listing in appendix A each insurer which must report because it had at least 1 percent of the motor vehicle insurance premiums nationally. Listing the insurers subject to reporting instead of each insurer exempted from reporting because it had less than 1 percent of the premiums nationally is administratively simpler since the former group is much smaller than the latter. In appendix B, NHTSA lists those insurers that are required to report for particular states because each insurer had a 10 percent or a greater market share of motor vehicle premiums in those States. In the January 1987 final rule, the agency stated that appendices A and B will be updated annually. It has been NHTSA's practice to update the appendices based on data voluntarily provided by insurance companies to A.M. Best, and made available for the agency each spring. The agency uses the data to determine the insurers' market shares nationally and in each state.

B. Self-insured Rental and Leasing Companies

In addition, upon making certain determinations, NHTSA is authorized to grant exemptions to self-insurers, i.e., any person who has a fleet of 20 or more motor vehicles (other than any governmental entity) which are used primarily for rental or lease and which are not covered by theft insurance policies issued by insurers of passenger motor vehicles, 49 U.S.C. 33112(b)(1) and (f). NHTSA may exempt a self-insurer from reporting, if the agency determines:

(1) The cost of preparing and furnishing such reports is excessive in relation to the size of the business of the insurer; and

(2) The insurer's report will not significantly contribute to carrying out the purposes of Chapter 331.

In a final rule published June 22, 1990 (55 FR 25606), the agency granted a class exemption to all companies that rent or lease fewer than 50,000 vehicles because it believed that reports from only the largest companies would sufficiently represent the theft experience of rental and leasing companies. NHTSA concluded those reports by the many smaller rental and leasing companies do not significantly contribute to carrying out NHTSA's statutory obligations, and that exempting such companies will relieve an unnecessary burden on most companies that potentially must report. As a result of the June 1990 final rule, the agency added a new appendix C, which consists of an annually updated list of the self-insurers that are subject to part 544. Following the same approach as in the case of appendix A, NHTSA has included, in appendix C, each of the relatively few self-insurers which are subject to reporting instead of relatively numerous self-insurers which are exempted. NHTSA updates appendix C based primarily on information from the publications *Automotive Fleet Magazine* and *Business Travel News*.

C. When a Listed Insurer Must File a Report

Under part 544, as long as an insurer is listed, it must file reports on or before each October 25. Thus, any insurer listed in the appendices as of the date of the most recent final rule must file a report by the following October 25, and by each succeeding October 25, absent a further amendment removing the insurer's name from the appendices.

Notice of Proposed Rulemaking

1. Insurers of Passenger Motor Vehicles

Based on the 1995 calendar year A.M. Best data for market shares, NHTSA proposes to amend the list in appendix A of insurers which must report because each had at least 1 percent of the motor vehicle insurance premiums on a national basis. The list was last amended in a notice published on June 23, 1997 (See 62 FR 33754). One company, Metropolitan Group, included in the June 1997 listing, is proposed to be removed from appendix A. Three companies, American Financial Group, Erie Insurance Company, and Zurich

Insurance Group-U.S., are proposed to be added.

Each of the 20 insurers listed in appendix A of this notice would be required to file a report not later than October 25, 1998, setting forth the information required by part 544 for each State in which it did business in the 1995 calendar year. As long as those 20 insurers remain listed, they would be required to submit reports by each subsequent October 25 for the calendar year ending slightly less than 3 years before.

Appendix B lists those insurers that would be required to report for particular States for calendar year 1995, because each insurer had a 10 percent or a greater market share of motor vehicle premiums in those States. Based on the 1995 calendar year A.M. Best data for market shares, it is proposed that Integon Corporate Group, reporting on its activities in the State of North Carolina be removed from appendix B. Two companies, Allmerica P & C Companies and Island Insurance, that were not listed in appendix B, are proposed to be added.

The 12 insurers listed in appendix B of this notice would be required to report on their calendar year 1995 activities in every State in which they had a 10 percent or a greater market share. These reports must be filed no later than October 25, 1998, and set forth the information required by part 544. As long as those 12 insurers remain listed, they would be required to submit reports on or before each subsequent October 25 for the calendar year ending slightly less than 3 years before.

2. Rental and Leasing Companies

Based on information in *Automotive Fleet Magazine* and *Business Travel News* for 1995, the most recent year for which data are available, NHTSA proposes several changes in appendix C. As indicated above, that appendix lists rental and leasing companies required to file reports. Based on the data reported in the above mentioned publications, it is proposed that five rental and leasing companies, Associates Leasing Inc., Enterprise-Rent-A-Car, GE Capital Fleet Services, PHH Vehicle Management Services, and Wheels, Inc., be included in appendix C. Accordingly, each of the 20 companies (including franchisees and licensees) listed in this notice in appendix C would be required to file reports for calendar year 1995 no later than October 25, 1998, and set forth the information required by part 544. As long as those 20 companies remain listed, they would be required to submit reports on or before each subsequent

October 25 for the calendar year ending slightly less than 3 years before.

Regulatory Impacts

1. Costs and Other Impacts

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this proposed rule and has determined the action not to be "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. This proposed rule implements the agency's policy of ensuring that all insurance companies that are statutorily eligible for exemption from the insurer reporting requirements are in fact exempted from those requirements. Only those companies that are not statutorily eligible for an exemption are required to file reports.

NHTSA does not believe that this proposed rule, reflecting more current data, affects the impacts described in the final regulatory evaluation prepared for the final rule establishing part 544 (52 FR 59, January 2, 1987). Accordingly, a separate regulatory evaluation has not been prepared for this rulemaking action. The cost estimates in the 1987 final regulatory evaluation were adjusted for inflation, using the Bureau of Labor Statistics Consumer Price Index for 1997. The agency estimates that the cost of compliance will be about \$70,500 for any insurer that is added to appendix A, about \$28,200 for any insurer added to appendix B, and about \$10,956 for any insurer added to appendix C. If this proposed rule is made final, for appendix A, the agency would add three insurers and remove one insurer; for appendix B, the agency would remove one and add two insurers; and for appendix C, the agency would add five additional companies.

The agency therefore estimates that the net effect of this proposal, if made final, would be a cost increase to insurers, as a group of approximately \$223,980.

Interested persons may wish to examine the 1987 final regulatory evaluation. Copies of that evaluation have been placed in Docket No. T86-01; Notice 2. Any interested person may obtain a copy of this evaluation by writing to NHTSA, Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590, or by calling (202) 366-4949.

2. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted to and approved by the

Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This collection of information was assigned OMB Control Number 2127-0547 ("Insurer Reporting Requirements") and was approved for use through July 31, 2000.

3. Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). I certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. The rationale for the certification is that none of the companies proposed to be included on appendices A, B, or C would be construed to be a small entity within the definition of the RFA. "Small insurer" is defined in part under 49 U.S.C. 33112 as any insurer whose premiums for all forms of motor vehicle insurance account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States, or any insurer whose premiums within any State, account for less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the State. This notice would exempt all insurers meeting those criteria. Any insurer too large to meet those criteria is not a small entity. In addition, in this rulemaking, the agency proposes to exempt all "self insured rental and leasing companies" that have fleets of fewer than 50,000 vehicles. Any self insured rental and leasing company too large to meet that criterion is not a small entity.

4. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

5. Environmental Impacts

In accordance with the National Environmental Policy Act, NHTSA has considered the environmental impacts of this proposed rule and determined that it would not have a significant impact on the quality of the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that two copies of the comments be submitted. All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these

submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, two copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and one copy from which the purportedly confidential information has been deleted should be accompanied by cover letter setting forth the information specified in the agency's confidential business information regulation. (49 CFR part 512).

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after the date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

List of Subjects in 49 CFR Part 544

Crime Insurance, Insurance, Insurance Companies, Motor Vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 544 is proposed to be amended as follows:

PART 544—[AMENDED]

1. The authority citation for part 544 would continue to read as follows:

Authority: 49 U.S.C. 33112; delegation of authority at 49 CFR 1.50.

2. Paragraph (a) of § 544.5 would be revised to read as follows:

§ 544.5 General requirements for reports.

(a) Each insurer to which this part applies shall submit a report annually not later than October 25, beginning on October 25, 1986. This report shall

contain the information required by § 544.6 of this part for the calendar year three years previous to the year in which the report is filed (e.g., the report due by October 25, 1998 shall contain the required information for the 1995 calendar year).

* * * * *

3. Appendix A to part 544 would be revised to read as follows:

Appendix A—Insurers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements in Each State in Which They Do Business

Aetna Life & Casualty Group
Allstate Insurance Group
American Family Group
American Financial Group¹
American International Group
California State Auto Association
CNA Insurance Group
Erie Insurance Group¹
Farmers Insurance Group
GEICO Corporation Group
ITT Hartford Insurance Group
Liberty Mutual Group
Nationwide Group
Progressive Group
Prudential of America Group
Safeco Insurance Companies
State Farm Group
Travelers Insurance Group
USAA Group
Zurich Insurance Group-U.S.¹

4. Appendix B to Part 544 would be revised to read as follows:

Appendix B—Issuers of Motor Vehicle Insurance Policies Subject to the Reporting Requirements Only in Designated States

Alfa Insurance Group (Alabama)
Allmerica P & C Companies (Michigan)¹
Arbella Mutual Insurance (Massachusetts)
Auto Club of Michigan Group (Michigan)
Commerce Group, Inc. (Massachusetts)
Commercial Union Insurance Companies (Maine)
Concord Group Insurance Companies (Vermont)
Island Insurance Group (Hawaii)¹
Kentucky Farm Bureau Group (Kentucky)
Nodak Mutual Insurance Company (North Dakota)
Southern Farm Bureau Group (Arkansas, Mississippi)
Tennessee Farmers Companies (Tennessee)

5. Appendix C to part 544 would be revised to read as follows:

Appendix C—Motor Vehicle Rental and Leasing Companies (Including Licensees and Franchisees) Subject to the Reporting Requirements of Part 544

Alamo Rent-A-Car, Inc.
ARI (Automotive Rentals, Inc.)
Associates Leasing Inc.1
A T & T Automotive Services, Inc.
Avis, Inc.
Budget Rent-A-Car Corporation

Citicorp Bankers Leasing Corporation
 Dollar Rent-A-Car Systems, Inc.
 Donlen Corporation
 Enterprise Rent-A-Car¹
 GE Capital Fleet Services¹
 Hertz Rent-A-Car Division (subsidiary of
 Hertz Corporation)
 Lease Plan USA, Inc.
 National Car Rental System, Inc.
 Penske Truck Leasing Company
 PHH Vehicle Management Services¹
 Ryder System, Inc. (Both rental and leasing
 operations)
 U-Haul International, Inc. (Subsidiary of
 AMERCO)
 USL Capital Fleet Services
 Wheels Inc.¹

Issued on: April 29, 1998.

L. Robert Shelton,

*Associate Administrator for Safety
 Performance Standards.*

[FR Doc. 98-11781 Filed 5-1-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 042798D]

Magnuson-Stevens Act Provisions; Essential Fish Habitat

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

ACTION: Proposed recommendations for
 essential fish habitat; notice of public
 hearings and request for public
 comments.

SUMMARY: NMFS requests public
 comments on proposed
 recommendations for essential fish
 habitat (EFH) to the Western Pacific
 Fishery Management Council (Council)
 for its fishery management plans (FMP)
 for bottomfish, crustaceans, pelagics and
 precious corals. NMFS also announces a
 public hearing on the proposed
 recommendations.

DATES: Comments must be received by
 June 22, 1998. The public hearing will
 be held at 7:00pm, May 20, 1998, in
 Honolulu, HI.

ADDRESSES: The meeting will be held at
 Tokai University, Pacific Center, 2241
 Kapiolani Blvd., Honolulu, HI. Send
 comments or requests for a copy of the
 proposed EFH recommendations for any
 or all of the FMPs to: NMFS, Southwest
 Region, 2570 Dole Street, Room 106,
 Honolulu, HI 96822-2396.

¹ Indicates a newly listed company which must
 file a report beginning with the report due on
 October 25, 1998.

FOR FURTHER INFORMATION CONTACT: John
 Naughton, NMFS, Southwest Region,
 Pacific Islands Area Office, (808) 973-
 2940.

SUPPLEMENTARY INFORMATION: The
 Sustainable Fisheries Act of 1996
 amended the Magnuson-Stevens Fishery
 Conservation and Management Act
 (Magnuson-Stevens Act) to establish
 new requirements for EFH descriptions
 in FMPs and require consultation
 between NMFS and Federal agencies on
 activities that may adversely impact
 EFH for species managed under FMPs.
 The Magnuson-Stevens Act requires all
 Councils to amend their FMPs by
 October 1998 to describe and identify
 EFH for each managed fishery. In
 accordance with the Magnuson-Stevens
 Act, NMFS published an interim final
 rule in the **Federal Register** on
 December 19, 1997 (62 FR 66531),
 providing guidelines to assist the
 Councils in description and
 identification of EFH in FMPs
 (including adverse impacts on EFH) and
 consideration of actions to ensure
 conservation and enhancement of EFH.
 The Magnuson-Stevens Act also
 requires NMFS to provide each Council
 with recommendations and information
 regarding EFH for each fishery under
 that Council's authority.

NMFS has developed proposed EFH
 recommendations for the identification
 of EFH for each of the Western Pacific
 Council's FMPs through a process that
 has involved input from the Council, its
 advisory bodies, and the fishing
 industry at the Council's public
 meetings in November 1997, and April
 1998.

The proposed EFH recommendations
 for each FMP include a description of
 EFH for the managed species; a
 description of adverse effects to EFH,
 including fishing and non-fishing
 threats; and a description of measures to
 ensure the conservation and
 enhancement of EFH. Copies of the
 proposed EFH recommendations are
 available (see **ADDRESSES**). Public
 comments are requested by June 22,
 1998.

Special Accommodations

This meeting will be physically
 accessible to people with disabilities.
 Requests for sign language
 interpretation or other auxiliary aids
 should be directed to John Naughton
 (see **FOR FURTHER INFORMATION CONTACT**)
 at least 5 working days prior to the
 hearing date.

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

Dated: April 28, 1998.

James P. Burgess,

*Director, Office of Habitat Conservation,
 National Marine Fisheries Service.*

[FR Doc. 98-11778 Filed 5-1-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 121197E]

RIN 0648-AJ16

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Resubmission of Disapproved and Revised Measure in Amendment 11

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces the
 disapproval of a revised, previously
 disapproved measure submitted by the
 Gulf of Mexico Fishery Management
 Council (Council) and originally
 contained in Amendment 11 to the
 Fishery Management Plan for the Reef
 Fish Resources of the Gulf of Mexico
 (FMP). The measure would have
 redefined optimum yield (OY) for that
 FMP.

ADDRESSES: Requests for copies of the
 documents supporting the disapproval
 decision should be mailed to the
 Southeast Regional Office, NMFS, 9721
 Executive Center Drive N., St.
 Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT:
 Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The
 Magnuson-Stevens Fishery
 Conservation and Management Act
 (Magnuson-Stevens Act) requires each
 regional fishery management council to
 submit any fishery management plan or
 amendment to NMFS for review and
 approval, disapproval, or partial
 approval. The Magnuson-Stevens Act
 also requires that NMFS, upon receiving
 an amendment, immediately publish a
 document in the **Federal Register**
 stating that the amendment is available
 for public review and comment.

On December 31, 1997, NMFS
 published a notice of availability (NOA)
 of a revised, previously disapproved
 measure originally in Amendment 11,
 and requested comments (62 FR 68246).
 The revised definition would have