

views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to that rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by May 8, 2000.

ADDRESSES: Written comments should be addressed to Michele Notarianni at the EPA Regional Office listed below. Copies of the documents relevant to this rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency,
Region 4, Air Planning Branch, 61
Forsyth Street, SW, Atlanta, Georgia
30303-3014. [Staff contact: Michele
Notarianni at telephone number 404/
562-9031 or e-mail address:
notarianni.michele@epa.gov.]

Mississippi Department of
Environmental Quality, Air Division,
P.O. Box 10385, Jackson, Mississippi
39289-0385.

FOR FURTHER INFORMATION CONTACT:
Michele Notarianni at 404/562-9031 or
Scott Davis at 404/562-9127.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: March 16, 2000.

A. Stanley Meiburg,
Acting Regional Administrator, Region 4.
[FR Doc. 00-8529 Filed 4-6-00; 8:45 am]

BILLING CODE: 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No.: 2000-001; Notice 01]

RIN 2127-AH77

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: This document proposes to republish, without change, 2 lists of those passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences and to amend a third list. An insurer included in any of these lists would be required to file a report for the 1997 calendar year before October 25, 2000. If the passenger motor vehicle insurers remain listed, they must submit reports by each subsequent October 25.

DATES: Comments must be submitted not later than June 6, 2000.

ADDRESSES: Comments on this proposed rule must refer to the docket number referenced in the heading of this notice and submit them to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are 9:30 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Henrietta L. Spinner, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Dr. Spinner's telephone number is (202) 366-4802. Her fax number is (202) 493-2290.

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 with the agency. 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 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 exempted certain 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.

In the final rule establishing the insurer reports requirement (52 FR 59; January 2, 1987), 49 CFR part 544, NHTSA exercised its exemption authority by listing in Appendix A each insurer that 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 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 it would update Appendices A and B annually. NHTSA updates the appendices based on data voluntarily provided by insurance companies to A.M. Best,

which A.M. Best publishes in its State/Line Report 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 grants exemptions to self-insurers, i.e., any person who has a fleet of 20 or more motor vehicles (other than any governmental entity) used for rental or lease whose vehicles 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 the largest companies' reports sufficiently represent the theft experience of rental and leasing companies. NHTSA concluded that smaller rental and leasing companies' reports do not significantly contribute to carrying out NHTSA's statutory obligations and that exempting such companies will relieve an unnecessary burden on them. As a result of the June 1990 final rule, the agency added Appendix C, consisting of an annually updated list of the self-insurers subject to Part 544. Following the same approach as in Appendix A, NHTSA included, in Appendix C, each of the self-insurers subject to reporting instead of the self-insurers which are exempted. NHTSA updates Appendix C based primarily on information from 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 October 25 of each year. Thus, any insurer listed in the appendices must file a report by October 25, and by each succeeding October 25, absent an amendment removing the insurer's name from the appendices.

Proposal

1. Insurers of Passenger Motor Vehicles

Appendix A lists insurers that must report because each had 1 percent of the

motor vehicle insurance premiums on a national basis. The list was last amended in a final rule published on October 25, 1999 (See 64 FR 57393). Based on the 1997 calendar year data from A.M. Best, we are proposing to reissue appendix A without change.

Each of the 18 insurers listed in Appendix A is required to file a report before October 25, 2000, setting forth the information required by part 544 for each State in which it did business in the 1997 calendar year. As long as these 18 insurers remain listed, they will be required to submit reports by each subsequent October 25 for the calendar year ending slightly less than 3 years before.

Appendix B lists insurers required to report for particular States for calendar year 1997, because each insurer had a 10 percent or a greater market share of motor vehicle premiums in those States. Based on the 1997 calendar year data for market shares from A.M. Best, we are proposing to reissue Appendix B without change.

The 11 insurers listed in appendix B are required to report on their calendar year 1997 activities in every State where they had a 10 percent or a greater market share. These reports must be filed by October 25, 2000, and set forth the information required by Part 544. As long as these 11 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

Appendix C lists rental and leasing companies required to file reports. Based on information in Automotive Fleet Magazine and Business Travel News for 1997, NHTSA proposes to remove Penske Truck Leasing Company from Appendix C and to add Ford-Rent-A-Car System to Appendix C. Each of the 19 companies (including franchisees and licensees) listed in Appendix C would be required to file reports for calendar year 1997 no later than October 25, 2000, and set forth the information required by Part 544. As long as those 19 companies remain listed, they would be required to submit reports 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 determined that the action is not "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 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. Using the Bureau of Labor Statistics Consumer Price Index for 1999, the cost estimates in the 1987 final regulatory evaluation were adjusted for inflation. The agency estimates that the cost of compliance is \$83,300 for any insurer added to Appendix A, \$33,320 for any insurer added to Appendix B, and \$9,613 for any insurer added to Appendix C. If this proposed rule is made final, for Appendices A and B, the agency would make no changes; for Appendix C, the agency would remove one company and add one company. The agency therefore estimates that the net effect of this proposal, if made final, would be no cost to insurers as a group.

Interested persons may wish to examine the 1987 final regulatory evaluation. Copies of that evaluation were 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 were submitted 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 is assigned OMB Control Number 2127-0547 ("Insurer Reporting Requirements") and approved for use through July 31, 2000, and the agency will seek to extend the approval afterwards.

3. Regulatory Flexibility Act

The agency 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

will 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 for Appendices A, B, or C are 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 according to 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 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 regarding the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal are available for inspection in the docket. NHTSA will continue to file relevant information, as it becomes available in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

Those persons wanting receipt of their comments in the rule 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 is proposed to be revised to read as follows:

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

2. Paragraph (a) of § 544.5 is proposed to 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 before 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, 2000 will contain the required information for the 1997 calendar year).

* * * * *

3. Appendix A to Part 544 is proposed to be republished 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

Allstate Insurance Group

American Family Insurance Group
American Financial Group
American International Group
California State Auto Association
CNA Insurance Group
Erie Insurance Group
Farmers Insurance Group
Berkshire Hathaway/GEICO Corporation
Group
Hartford Insurance Group
Liberty Mutual Group
Nationwide Group
Progressive Group
Prudential of America Group
State Farm Group
Travelers PC Group
USAA Group
Zurich Insurance Group-U.S.

4. Appendix B to Part 544 is proposed to 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)
Arbella Mutual Insurance
(Massachusetts)
Auto Club of Michigan Group
(Michigan)
Commerce Group, Inc. (Massachusetts)
Commercial Union Insurance
Companies (Maine)
Concord Group Insurance Companies
(Vermont)
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 is proposed to 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.
AT&T Automotive Services, Inc.
Avis, Inc.
Budget Rent-A-Car Corporation
Dollar Rent-A-Car Systems, Inc.
Donlen Corporation
Enterprise Rent-A-Car
Ford Rent-A-Car-System¹
GE Capital Fleet Services
Hertz Rent-A-Car Division (subsidiary of
Hertz Corporation)
Lease Plan USA, Inc.

¹ Indicates a newly listed company which must file a report beginning with the report due October 25, 2000.

National Car Rental System, Inc.
PHH Vehicle Management Services
Ryder System, Inc. (Both rental and
leasing operations)
U-Haul International, Inc. (Subsidiary of
AMERCO)
USL Capital Fleet Services
Wheels Inc.

Issued on: April 4, 2000.

Stephen R. Kratzke,

*Acting Associate Administrator for Safety
Performance Standards.*

[FR Doc. 00-8663 Filed 4-6-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 032400C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs) to Conduct Experimental Fishing

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

ACTION: Notification of EFP proposals to
conduct experimental fishing; request
for comments.

SUMMARY: NMFS announces that the
Administrator, Northeast Region, NMFS
(Regional Administrator), has made a
preliminary determination to issue EFPs
to conduct experimental fishing to two
vessels participating in separate
fisheries that would permit these vessels
to conduct operations otherwise
restricted by regulations governing the
fisheries of the Northeastern United
States. The EFPs would exempt vessels
from regulations regarding: Days-at-sea
(DAS) while fishing for, retaining, and
landing Atlantic sea scallops; fishing in
the scallop closed areas; and limiting
the vessel's scallop and bycatch harvest.
Regulations under the Magnuson-
Stevens Fishery Conservation and
Management Act require publication of
this notification to provide interested
parties the opportunity to comment on
the proposed EFP to conduct
experimental fishing. A decision to
approve or disapprove the EFPs will be
made following the comment period.

DATES: Comments on this notification
must be received on or before 5:00 p.m.,
local time, on April 24, 2000.

ADDRESSES: Comments should be sent to
Patricia A. Kurkul, Regional

Administrator, NMFS, Northeast
Regional Office, 1 Blackburn Drive,
Gloucester, MA 01930. Mark on the
outside of the envelope "Comments on
Proposed Scallop EFP Proposals."

Comments also may be sent via
facsimile (fax) to (978) 281-9135.
Comments will not be accepted if
submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT:

David Gouveia, Fishery Policy Analyst,
978-281-9280.

SUPPLEMENTARY INFORMATION: The
Virginia Institute of Marine Science
(VIMS) proposes a scallop resource
depletion study in selected locations
within the Hudson Canyon and Virginia
Beach Closure Areas chosen in
consultation with the Northeast
Fisheries Science Center's scallop
survey stations. In addition, this study
proposes to collect information on
bycatch, habitat effects, and bio-fouling
of sea scallops. Depending on the
funding available, this study may also
attempt to use an autonomous
underwater vehicle to verify tow tracks
and habitat modifications.

On a tow-by-tow basis, scientific staff
and designated crew members will
enumerate bycatch and estimate
quantities of non-bycatch debris
(mollusk shells) and will report on their
general physical condition. The overall
objective of the study is to assess the
increased availability of commercial sea
scallop biomass resulting from the area
closures that commenced 2 years ago. A
similar study in Georges Bank Closed
Area II was not performed until 4 years
after the closure. It is thought that more
knowledge could be gained from a post-
dredge survey conducted closer to the
cessation of mobile gear activity.

The survey would be conducted
during the period June through July
2000 and would employ the use of two
15-ft (4.57-m) commercial sea scallop
dredges at 400 pre-designated stations.
Sampling densities of approximately
one station per 7.5 nm² in the Hudson
Canyon South Closure Area, and one
station per 5.0 nm² in the Virginia
Beach Closure Area are proposed.
Sampling density will be increased to
one station per 5.0 nm² on or near the
edges of closed area boundaries. Set tow
times of 10 minutes at a speed of 4.5
knots will be used to calibrate area gear
coverage (width of gear x length of
dredge path). The dredge gear will
comply with all mesh size and gear
configuration provisions of Amendment
4 to the Atlantic Sea Scallop Fishery
Management Plan (FMP). Therefore, no
special twine-top configurations or rock
chains will be used.

No other species besides Atlantic sea
scallops will be retained or landed,
except for unusual specimens of interest
to scientists and only at the discretion
of the chief scientist in charge of at-sea
cruise operations. All fishing activities
conducted by the participating vessel
must only be research activities. All
commercial operations would be
prohibited. The participating vessel
would be exempt from regulations on
scallop harvest and bycatch (50 CFR
648.52 and 648.53) but would be
allowed to retain and land no more than
9,100 lb (4,127.76 kg) (650 lb/day
(294.84 kg/day)) of Atlantic sea scallops.
It would also be exempt from the
Atlantic Sea Scallop DAS program when
fishing under the EFP (50 CFR 648.10).
Based on this landing limit, participants
would be required to commit a
maximum of 14 days to the study.

The vessel's crew will be instructed
that low value sea scallops may not be
discarded in favor of retaining high
value sea scallops (high grading). VIMS'
chief scientist is charged with
monitoring all stages of the proposed
cruise operations in support of the study
objectives, and will ensure maximum
integrity of data collection and
organization of deck operations. The
second proposal, submitted by
Coonamessett Farm, proposes to test
new gear designs to reduce yellowtail
flounder and skate bycatch rates. The
experimental dredge will have two
modifications. The first modification
adds a 10-inch (25.40-cm) mesh panel
between the depressor plate and the
dredge bale that will follow the angle of
the depressor plate. The second
modification adds the equivalent of an
old-style locomotive cow catcher under
the bale frame that would direct skates
and flatfish above the bale, along the
mesh panel, and over the dredge frame.
The applicant requests one 7-day trip to
the Georges Bank and South Channel
sea scallop stock areas. The
participating vessel would be allowed to
retain up to 850 lb (385.56 kg) of scallop
meats per day, not to exceed 5,950 lb
(2,698.9 kg) of scallop meats for the
entire trip. An EFP issued to the vessel
participating in the Coonamessett Farm
proposal would exempt the vessel from
the DAS restrictions (50 CFR 648.53)
and limit the vessel's scallop and
bycatch harvest (50 CFR 648.52 and
648.53). Although the dredge gear used
by Coonamessett Farm is modified, the
changes to the dredge are within the
current dredge specifications found in
the Atlantic Sea Scallop FMP.
Therefore, no exemption of the dredge
gear is necessary.

Coonamessett Farm and VIMS would
each conduct experimental fishing