

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME61-7010b; A-1-FRL-6338-1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of Fuel Control Program Under Section 211(c)

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a State Implementation Plan (SIP)—revision submitted by the State of Maine. This revision establishes and requires that all gasoline sold in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties meet certain summertime volatility limits, as measured by the Reid Vapor Pressure (RVP). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. Further, the State has requested approval of this action in advance of this summer season. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before June 14, 1999.

ADDRESSES: Comments may be mailed to Susan Studien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, MEW 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918-1045.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: April 29, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99-11828 Filed 5-13-99; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 544

[Docket No.: 99-001; Notice 01]

RIN 2127-AH62

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 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 1996 calendar year not later than October 25, 1999. 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 13, 1999. If this rule is made final, insurers listed in the appendices would be required to submit reports beginning with the one due October 25, 1999.

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 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 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 would be updated annually. NHTSA updates 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 its *State/Line Report* 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 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 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 1996 calendar year A.M. Best's 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 December 18, 1998 (See 63 FR 70051). Three companies, Aetna Life & Casualty Group, Safeco Insurance Companies, and Travelers Insurance Group, are proposed to be removed from appendix A. One company, Travelers PC Group, is proposed to be added. ITT Hartford Insurance Company was renamed Hartford Insurance Company.

Each of the 18 insurers listed in appendix A would be required to file a report not later than October 25, 1999, setting forth the information required by part 544 for each state in which it did business in the 1996 calendar year. As long as those 18 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 1996, because each insurer had a 10 percent or a greater market share of motor vehicle premiums in those states. Based on the 1996 calendar year A.M. Best's data for market shares, it is proposed that Island Insurance Group, reporting on its activities in the state of Hawaii, be removed from appendix B.

The 11 insurers listed in appendix B of this notice would be required to report on their calendar year 1996 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, 1999, and set forth the information required by part 544. As long as those 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

Based on information in *Automotive Fleet Magazine* and *Business Travel News* for 1996, the most recent year for which data are available, NHTSA proposes one change 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 one rental and leasing company, Citicorp Bankers Leasing Corporation, be removed from appendix C. Accordingly, each of the 19 companies (including franchisees and licensees) listed in this notice in appendix C would be required to file reports for calendar year 1996 no later than October 25, 1999, and set forth the information required by part 544. As long as those 19 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. Using the cost estimates in the 1987 final regulatory evaluation, the agency estimates that the cost of compliance will be about \$50,000 for any insurer that is added to appendix A, about \$20,000 for any insurer added to appendix B, and about \$5,770 for any insurer added to appendix C. If this proposed rule is

made final, for appendix A, the agency would add one insurer and remove three insurers; for appendix B, the agency would remove one insurer; and for appendix C, the agency would remove one company. The agency estimates that the net effect of this proposal, if made final, would be a cost decrease to insurers, as a group, of approximately \$125,770.

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 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 a 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 regarding 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. 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, 1999 would contain the required information for the 1996 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

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
GEICO Corporation Group/Berkshire Hathaway
Hartford Insurance Group
Liberty Mutual Group
Nationwide Group
Progressive Group
Prudential of America Group
State Farm Group
Travelers PC Group¹
USAA Group
Zurich Insurance Group-U.S.

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

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

Alfa Insurance Group (Alabama)
Allmerica P & C Companies (Michigan)

¹ Indicates a newly listed company which must file a report beginning with the report due on October 25, 1999.

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 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.
 AT&T Automotive Services, Inc.
 Avis, Inc.
 Budget Rent-A-Car Corporation
 Dollar Rent-A-Car Systems, Inc.
 Donlen Corporation
 Enterprise Rent-A-Car
 GE Capital Fleet Services
 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 Services
 Ryder System, Inc. (Both rental and leasing
 operations)
 U-Haul International, Inc. (Subsidiary of
 AMERCO)
 USL Capital Fleet Services
 Wheels Inc.

Issued on: May 10, 1999.

L. Robert Shelton,

*Associate Administrator for Safety
 Performance Standards.*

[FR Doc. 99-12234 Filed 5-13-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
 Administration**

50 CFR Parts 223, 224, and 226

[Docket No. 990504118-9118-01; I.D.
 031199F]

RIN 0648-XA25

**Endangered and Threatened Species;
 Notification of Finding on a Petition to
 List Summer Steelhead Trout in the
 Middle Fork of the Eel River, California**

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

ACTION: Notification of petition finding.

SUMMARY: NMFS announces a finding for a petition to list summer steelhead trout (*Oncorhynchus mykiss*) and designate critical habitat in the Middle Fork of the Eel River, California, pursuant to the Endangered Species Act (ESA) of 1973. NMFS finds that the petitioner has not presented any new, substantial scientific or commercial information indicating that the petitioned action may be warranted. NMFS previously reviewed the data which was submitted by the petitioner for this population and has published its findings in a west coast status review for steelhead trout and subsequent **Federal Register** documents (see "Previous Federal ESA Actions Related to West Coast Steelhead").

DATES: The finding announced in this document was made on April 29, 1999.

ADDRESSES: Requests for information concerning this petition should be sent to Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910; telephone: (301)713-1401.

FOR FURTHER INFORMATION CONTACT: Craig Wingert at (562) 980-4021 or Chris Mobley at (301)713-1401.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. *et seq.*), requires that NMFS make a finding on whether a petition to list a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. NMFS' standard for substantial information is stated at 50 CFR 424.14(b) as "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted." This finding is to be based on all information available to NMFS at the time. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, NMFS is also required to promptly commence a review of the status of the involved species.

NMFS has made a 90-day finding on a petition to list summer steelhead trout (*O. mykiss*) in the Middle Fork of the Eel River, California, and designate critical habitat pursuant to the ESA. The petition, dated December 10, 1998, was submitted by Mr. David Drell, representing the Willits Environmental Center, and received by NMFS on December 15, 1998. The petitioner

requested that NMFS list summer steelhead trout in the Middle Fork of the Eel River, California, as endangered on an emergency basis, and also designate critical habitat for that population under the ESA.

Previous Federal ESA Actions Related to West Coast Steelhead

On May 20, 1993, NMFS announced its intent to conduct a status review to identify all coastal steelhead Evolutionarily Significant Units (ESUs) within California, Oregon, and Washington and to determine whether any identified ESUs warranted listing under the ESA. Subsequently, on February 16, 1994, NMFS received a petition from the Oregon Natural Resources Council and 15 co-petitioners to list all steelhead (or specific ESUs, races, or stocks) within the states of California, Oregon, Washington, and Idaho. In response to this petition, NMFS announced the expansion of its status review to include inland steelhead populations occurring in eastern Washington and Oregon and the State of Idaho (59 FR 27527, May 27, 1994).

In August 1996, NMFS published the results of its status review for west coast steelhead (Busby *et al.*, 1996; NOAA Technical Memorandum NMFS-NWFSC-27). Based on a review of the available information on steelhead genetics, phylogeny and life history, and environmental features that may affect steelhead, NMFS identified a total of 15 ESUs of west coast steelhead, including 12 ESUs for the coastal form and 3 for the inland form. One of the coastal ESUs, the Northern California coast steelhead ESU, includes the summer steelhead population in the Middle Fork Eel River which is the subject of the petitioned action.

On August 9, 1996, NMFS published a proposed rule to list 10 of these steelhead ESUs as threatened or endangered under the ESA and solicited comments on the proposal (61 FR 41541, August 9, 1996). In the proposed rule, NMFS determined that the Northern California coast ESU, which includes all summer- and winter-run steelhead populations from Redwood Creek in Humboldt County through the Gualala River, inclusive, warranted listing as a threatened species.

On August 18, 1997, NMFS published a final rule listing five steelhead ESUs as threatened or endangered under the ESA (62 FR 43937). In a separate document also published on August 18, 1997, NMFS determined that substantial scientific disagreement remained for five proposed steelhead ESUs, including the Northern California coast steelhead