

Given that Farm Bureau Mutual Insurance Co., is removed from Appendix B.

2. Rental and Leasing Companies

Based on information in Automotive Fleet Magazine and Travel Trade Business Travel News for 1992, the most recent year for which data are available, NHTSA proposes no changes in Appendix C. Accordingly, each of the 10 companies (including franchisees and licensees) listed in the final rule in Appendix C are required to file reports for calendar year 1992 no later than October 25, 1995, and set forth in the information required by part 544. As long as those 10 companies remain listed, they are required to submit reports on or before each subsequent October 25 for the calendar year ending slightly less than 3 years before.

After reviewing the public comments and, as discussed above, making the appropriate adjustments to Appendices A and B, NHTSA has determined that each of the 18 insurers listed in Appendix A, each of the 11 insurers listed in Appendix B, and each of the 10 insurers listed in Appendix C, are required to submit an insurers report under part 544. Each listed insurer must report on its experience for calendar year 1992, and set forth the information required by 49 CFR part 544.

Regulatory Impacts

(1) Costs and Other Impacts

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this final rule and has determined the action not to be "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. This 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 expressly required to file reports.

NHTSA does not believe that this 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. In this final rule, for Appendix A, the agency removed one insurer and added two insurers; for Appendix B, the agency made no changes; and for Appendix C, the agency made no changes. The agency therefore estimates that the net effect of this final rule will be a cost increase to insurers, as a group, of less than \$100,000.

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 NHTSA, Docket Section, Room 5109, 400 Seventh Street S.W., Washington D.C. 20590, or by calling (202) 366-4949.

(2) Paperwork Reduction Act

The information collection requirements in this final 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 has been assigned OMB Control Number 2127-0547 ("Insurer Reporting Requirements") and has been approved for use through October 31, 1996.

(3) Regulatory Flexibility Act

The agency has also considered the effect of this rulemaking under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The rationale of this certification is that none of the companies 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 motor vehicle insurance account for less than one 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 has exempted, by rule, all "self insured rental 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 principle and criteria contained in Executive Order 12612, and it has been determined that this final 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 final rule and determined that it will not have a significant impact on the quality of the human environment.

(6) Civil Justice Reform

This final rule does not have any retroactive effect, and it does not preempt any State law. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 544

Crime, Insurance companies, Motor vehicles, Reporting and recordkeeping requirements.

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

PART 544—[AMENDED]

1. The authority citation for part 544 is revised to read as follows:

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

2. Section 544.2 *Purpose.* is revised to read as follows:

§ 544.2 Purpose.

The purpose of these reporting requirement is to aid in implementing and evaluating the provisions of 49 U.S.C. chapter 331 Theft Prevention to prevent or discourage the theft of motor vehicles, to prevent or discourage the sale or distribution in interstate commerce of used parts removed from stolen motor vehicles, and to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

3. Paragraph (a) of § 544.4 Definitions is revised to read as follows:

§ 544.4 Definitions.

(a) *Statutory terms.* All terms defined in 49 U.S.C. 33101 and 33112 are used in accordance with their statutory