

impact on the quality of the human environment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, P.L. 96-511, the agency notes that there are no information collection requirements associated with this rulemaking action.

Civil Justice Reform

This rule does not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision of a state may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the standard is identical to the Federal standard. However, a state may prescribe a standard for a motor vehicle or equipment obtained for its own use that imposes a higher performance requirement than the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings is not required before parties may file suit in court.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.3 is amended by revising the definition of "designated seating position" in Section 571.3(b) to read as follows:

§ 571.3 Definitions.

* * * * *

(b) * * *

Designated seating position means any plan view location capable of accommodating a person at least as large as a 5th percentile adult female, if the overall seat configuration and design and vehicle design is such that the position is likely to be used as a seating position while the vehicle is in motion, except for auxiliary seating accommodations such as temporary or folding jump seats. Any bench or split-

bench seat in a passenger car, truck or multipurpose passenger vehicle with a GVWR less than 4,536 kilograms (10,000 pounds), having greater than 127 centimeters (50 inches) of hip room (measured in accordance with SAE Standard J1100(a)) shall have not less than three designated seating positions, unless the seat design or vehicle design is such that the center position cannot be used for seating. For the sole purpose of determining the classification of any vehicle sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events, any location in such vehicle intended for securement of an occupied wheelchair during vehicle operation shall be regarded as four designated seating positions.

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Issued on March 20, 1995.

Ricardo Martinez,
Administrator.

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BILLING CODE 4910-59-M

49 CFR Part 582

[Docket No. 94-73; Notice 2]

RIN 2127-AF44

Insurance Cost Information Regulation

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

ACTION: Final rule.

SUMMARY: In this document, NHTSA adopts technical amendments to the insurance cost information regulations. Among the changes adopted are postponing, from January until March, the availability date of the insurance cost information booklet, and revising the term "passenger motor vehicles" to read "passenger cars, utility vehicles, light duty trucks, and vans." NHTSA also adds language making more explicit the limitations of the collision loss data, and language recommending that prospective purchasers contact insurance agents or insurance companies for more information. The amendments are adopted to make the insurance cost information more accurate.

DATES: These amendments are effective April 24, 1995, and will apply to the insurance cost information to be made available in March 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Kee's telephone number is (202) 366-0846.

SUPPLEMENTARY INFORMATION:

Background

Insurance Cost Information Regulation

49 U.S.C. 32302(c) states that the Secretary of Transportation (the Secretary) shall prescribe regulations that require passenger motor vehicle dealers to distribute to prospective purchasers, information developed by the Secretary and provided to the dealer, which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness. By delegation from the Secretary, NHTSA has been authorized to carry out the statute.

On January 31, 1975, NHTSA published 49 CFR part 582, Insurance Cost Information Regulation (40 FR 4918). Part 582, as then promulgated, required that automobile dealers "make available to prospective purchasers information reflecting differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness." Part 582, however, did not specify information that dealers must provide.

On March 5, 1993 (58 FR 12545), NHTSA published a final rule amending part 582. The rule complemented the 1975 rulemaking, and completed implementation of section 32302(c). The March 1993 final rule, which became effective April 5, 1993, requires dealers of new automobiles to make collision loss experience data available in booklets to prospective purchasers. The information to be provided in the booklet is specified in section 582.5, which requires inclusion of a complete explanatory text and updated data on auto insurance costs published annually by NHTSA.

The mandatory text specified by part 582 relates to, among other topics, the limitations of the auto insurance cost data as a predictor of differences in insurance premiums. Essentially, those limitations result from the fact that most of the factors that insurance companies use to establish premiums relate to driver characteristics and, except for the vehicle's value, are not directly related to the vehicle itself. Thus, as the text explains, the fact that a vehicle's historical claims experience is somewhat better or worse than that of other vehicles in its class may not be reflected in the premium that an insurance company establishes for that vehicle. If the claims experience is reflected, it is likely to have only a small impact on the premium.

The mandatory text also urges consumers to contact insurance companies if they wish to obtain precise information about actual premiums for particular makes and models of vehicles. Previous studies by NHTSA have revealed that the difference between the premiums charged by different insurance companies for the same car and driver is greater than the difference between the premiums charged by a given company for comparably-valued cars that have different claims experience. NHTSA believed the mandatory text would help to minimize consumer confusion by providing customers with an understanding of the uses and limitations of the auto insurance cost data.

In specifying the yearly insurance cost data that accompanied the required text, NHTSA decided to rely on collision loss experience data collected and reported by the Highway Loss Data Institute (HLDI), as the best available indicator of the effect of damage susceptibility on insurance costs. In the March 1993 final rule, NHTSA specified HLDI's December Insurance Collision Report as the data source for part 582. NHTSA decided to specify HLDI's December Report because it contains more current data and covers more vehicle models than other HLDI publications. The HLDI data is presented in a format that ranks the vehicles in each class from best to worst (with numerical values given for each vehicle). NHTSA specified this format because it determined that the use of this ranking system should assist customers in evaluating the comparative performance of comparable vehicles.

In the March 1993 final rule, NHTSA stated its belief that the HLDI information should be made available as soon as possible after its publication date. Therefore, NHTSA stated its intent to publish the annual **Federal Register** document updating HLDI's December Insurance Collision Report data no later than January of the calendar year that follows HLDI's publication of the data.

The NPRM

In a notice of proposed rulemaking (NPRM) issued on September 13, 1994 (59 FR 46952), NHTSA proposed to amend part 582 by making certain changes in § 582.5, in which the text of the insurance cost information booklet is specified. Originally, the text specified the date "January [Year to be Inserted]." NHTSA proposed to substitute "March" for "January," in order to allow itself adequate time to publish and distribute the comparative insurance cost information booklet. In practice, HLDI does not send the

December Insurance Collision Report data to NHTSA until mid-January. NHTSA then formats the data for printing, and arranges for the printing and distribution by mail of a single copy of the booklet to each of the nation's approximately 27,000 automobile dealers. NHTSA can thus reasonably expect that the booklet will be published by March of each year.

Part 582 originally specified a comparison of insurance costs for "passenger motor vehicles." In the NPRM, NHTSA proposed to revise the term "passenger motor vehicles," at appropriate places in § 582.5, to read "passenger cars, utility vehicles, light duty trucks and vans." The revisions were intended to make clear that the term "passenger motor vehicles" includes many vehicle types besides "passenger car."

NHTSA also proposed to make certain changes to the required text that would make more explicit the limitations of the collision loss data. In the final rule, the text in § 582.5 that explains the data's limitations stated that the collision loss data table does not include information about new models, models that have been substantially redesigned, and models without enough claim experience. In order to make clear that certain data should not be relied upon, NHTSA proposed to revise the third paragraph in § 582.5 to state:

The table is not relevant for new models or models that have been substantially redesigned for [YEAR TO BE INSERTED], and it does not include information about models without enough claim experience.

Also, in the final rule, the fourth paragraph in § 582.5 stated that it is unlikely that a consumer's total premium will vary more than five percent depending upon the collision loss experience of a particular vehicle. Subsequently, a representative of the Insurance Services Organization (ISO), which recommends insurance premium rates to its members, indicated to NHTSA that the collision cost data could result in an insurance premium reduction of ten percent rather than the five percent mentioned in the booklet. Accordingly, NHTSA tentatively concluded that it would be more accurate to state that it is unlikely that a consumer's total premium will vary more than ten percent.

Finally, § 582.5 originally stated that consumers should contact insurance companies directly to determine the actual premium that a consumer will be charged for insuring a particular vehicle or for complete information about insurance premiums. NHTSA proposed to revise § 582.5 to advise the consumer

to contact insurance company agents directly in order to obtain premium information. This proposal was intended to reflect the fact that the consumer's first point of contact with many insurance companies is the insurance company agent.

Summary of Comments and Agency Responses

NHTSA received comments from three entities on the issues raised in the NPRM. These included Advocates for Highway and Auto Safety (Advocates), the National Automobile Dealers Associations (NADA), and Volkswagen of America (VW). Each commenter generally supported the proposed amendment, but raised individual suggestions concerning specific portions of the proposed text.

a. *Publication date:* No commenter objected to the change of the publication date from January to March, and NADA affirmatively supported this change. NADA also suggested that NHTSA should "reconsider working towards publishing" the insurance cost data in the same booklet as DOE/EPA's comparative fuel economy data. In the March 1993 final rule, NHTSA rejected earlier proposals (by NADA and others) to publish all of the data in a single document. NHTSA continues to believe that this proposal is unworkable. The HLDI insurance cost information does not become available until late January. This time frame is too late to permit publication of the data simultaneously with DOE/EPA's "Gas Mileage Guide," which is made available at the beginning of the model year (ordinarily in the preceding October), when new models arrive at dealers' show rooms. Furthermore, the data in the Gas Mileage Guide, which are arranged according to criteria such as interior roominess, engine, and transmission, are presented differently from the HLDI data, which is arranged according to wheelbase and vehicle type.

b. *Covered Vehicles:* Both NADA and Advocates supported the agency's proposal to change the description of the vehicles covered by making it more specific. NADA suggested that the agency use the terms "station wagon/passenger van, pickup, and utility vehicle," throughout the text, to reflect the groupings into which the HLDI data is already broken out. NHTSA agrees that this suggestion has merit, and has decided to adopt it by revising the end of the first paragraph of § 582.5 to state: "COMPARISON OF DIFFERENCES IN INSURANCE COSTS FOR PASSENGER CARS, STATION WAGONS/PASSENGER VANS, PICKUPS, AND

UTILITY VEHICLES ON THE BASIS OF DAMAGE SUSCEPTIBILITY."

c. *Discussion of the limitations of the data:* Two commenters addressed the agency's proposal to modify the textual discussion of the limitations of the data. NADA requested that the agency further emphasize and explain those limitations. On the other hand, Advocates expressed its concern that consumers may infer from the proposed language that the insurance cost data is of little value, and suggested that the agency emphasize the usefulness of the data. Accordingly, it proposed that, in addition to the textual changes proposed in the NPRM, the final rule adopt language that affirmatively states that the table "can be used to compare insurance premiums of most vehicle makes and models * * *." In addition, it proposed dropping the reference to "new models" in the description of vehicles to which the tables do not apply.

NHTSA has concluded that the presentation of the insurance cost information is clear and adequate. The agency disagrees with Advocates' conclusion that the fact that the proposed revision points out the limitations of the data will lead consumers to conclude that the insurance cost information is of little value. Since the issuance of the final rule in March 1993, the text of the insurance cost booklet has always contained a description of the limitations of the data; the revision merely clarifies those limitations. Therefore, NHTSA has decided against adopting Advocates' suggested affirmative statement concerning the appropriate uses of the data.

Advocates' suggestion that the reference to "new models" in the proposed revision to the third paragraph of the text should be deleted was based on its assertion that previous cost information is applicable to new models of the same vehicle make if the vehicle line has not been substantially redesigned. Although NHTSA believes that the term "new models" is ordinarily understood to mean an entirely new or substantially redesigned model, the agency has concluded that the term "new models" is superfluous in this context. Accordingly, the agency is accepting Advocates' proposal to delete the reference.

d. *Advice about contacting insurance agents:* Advocates suggested a change to the agency's proposed language advising consumers to contact insurance agents in order to obtain relevant insurance cost information. Advocates agreed that it was appropriate to advise consumers to contact insurance agents, but

suggested that the regulatory text should provide consumers with the option of contacting either their insurance agent or their insurance company. NHTSA has concluded that this suggestion appropriately recognizes the fact that while in many instances, consumers contact individual agents with respect to their existing or prospective policies, there are other instances in which insurance companies do not work through individual agents and consumers instead must contact the company directly. Therefore, the agency has decided to adopt Advocates' suggestion to clarify the advice by referring both to insurance agents and insurance companies.

e. *Description of NCAP test results:* VW recommended changing the description of the New Car Assessment Program (NCAP) test results to emphasize that they are based on a single, 35 mph, barrier crash test of a new vehicle. NHTSA does not agree with VW that a change in wording is necessary. The present text is consistent with the description of the NCAP program that appears in other NHTSA publications. VW's recommended change would cause the description of the NCAP program in the insurance cost information booklet to differ from the text that already appears elsewhere. Moreover, while cost considerations limit the NCAP testing to one test per new vehicle model, the agency has access to other crash test data, both from manufacturers and from its own compliance test programs. The agency has concluded from its review of all available data that the statement that "NCAP test results demonstrate relative frontal crash protection in new vehicles" is accurate, and has decided to retain it.

f. *Variation in premiums:* No commenter addressed the agency's proposal to amend the statement as to the amount by which collision cost data could result in an insurance premium reduction. Accordingly, in order to increase the accuracy of the booklet, the agency is adopting its proposal to state that it is unlikely that a consumer's total premium will vary more than 10 percent.

Regulatory Impacts

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this rulemaking action and has determined the action not to be "significant" under the Department of Transportation's regulatory policies and procedures. The

agency has determined that the economic effects of the proposed amendments are minimal, so that a full regulatory evaluation is not required. This notice adopts minor amendments to the insurance cost information regulation, to increase the accuracy of the information provided to potential motor vehicle purchasers. The amount of extra text that must be included in the information booklet as a result of this amendment is minuscule.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this amendment on small entities. NHTSA estimates there are about 27,000 dealers of new passenger motor vehicles. Many of the dealers that may be affected by this amendment are considered to be small business entities. However, NHTSA believes that this amendment will not have a significant economic impact on any of these small dealers. This rulemaking adopts minor editorial changes, that result in the addition of a small amount of extra text to the insurance cost information booklet. The minimal cost increments to the dealers that may be associated with this amendment should have negligible effects on the purchase price of new passenger motor vehicles. For these reasons, I certify that this amendment will not have a significant economic impact on a substantial number of small entities.

3. National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, the agency has considered the environmental impacts of this amendment and determined that it will not have a significant impact on the quality of the human environment.

4. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12623, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

5. Civil Justice Reform

This amendment would not have any retroactive effect, and it does not preempt any State law. Chapter 323—*Consumer Information* of 49 U.S.C. does not provide for judicial review of rules issued pursuant to 49 U.S.C. 32302. The Administrative Procedure Act, 5 U.S.C. 701 *et seq.*, provides generally for judicial review of final agency action, which in certain circumstances may include this proposed rule. The

Administrative Procedure Act 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 582

Administrative practice and procedure, Insurance, Motor vehicles.

In consideration of the foregoing, NHTSA amends 49 CFR part 582 as follows:

PART 582—[AMENDED]

1. The authority citation for part 582 is revised to read as follows:

Authority: 49 U.S.C. 32303; delegation of authority at 49 CFR 1.50(f).

2. Section 582.5 is revised to read as follows:

§ 582.5 Information form.

The information made available pursuant to § 582.4 shall be presented in writing in the English language and in not less than 10-point type. It shall be presented in the format set forth below, and shall include the complete explanatory text and the updated data published annually by NHTSA.

MARCH [YEAR TO BE INSERTED]

COMPARISON OF DIFFERENCES IN INSURANCE COSTS FOR PASSENGER CARS, STATION WAGONS/PASSENGER VANS, PICKUPS AND UTILITY VEHICLES ON THE BASIS OF DAMAGE SUSCEPTIBILITY

The National Highway Traffic Safety Administration (NHTSA) has provided the information in this booklet in compliance with Federal law as an aid to consumers considering the purchase of a new vehicle. The booklet compares differences in insurance costs for different makes and models of passenger cars, station wagons/passenger vans, pickups, and utility vehicles on the basis of damage susceptibility. However, it does not indicate a vehicle's relative safety.

The following table contains the best available information regarding the effect of damage susceptibility on insurance premiums. It was taken from data compiled by the Highway Loss Data Institute (HLDI) in its December [YEAR TO BE INSERTED] *Insurance Collision Report*, and reflects the collision loss experience of passenger cars, utility vehicles, light trucks, and vans sold in the United States in terms of the average loss payment per insured vehicle year for [THREE APPROPRIATE YEARS TO BE INSERTED]. NHTSA has not verified the data in this table.

The table represents vehicles' collision loss experience in relative terms, with 100 representing the average for all passenger vehicles. Thus, a rating of 122 reflects a collision loss experience that is 22 percent higher (worse) than average, while a rating of 96 reflects a collision loss experience that is 4 percent lower (better) than average. The table is not relevant for models that have

been substantially redesigned for [YEAR TO BE INSERTED], and it does not include information about models without enough claim experience.

Although many insurance companies use the HLDI information to adjust the "base rate" for the collision portion of their insurance premiums, the amount of any such adjustment is usually small. It is unlikely that your total premium will vary more than ten percent depending upon the collision loss experience of a particular vehicle.

If you do not purchase collision coverage or your insurance company does not use the HLDI information, your premium will not vary at all in relation to these rankings.

In addition, different insurance companies often charge different premiums for the same driver and vehicle. Therefore, you should contact insurance companies or their agents directly to determine the actual premium that you will be charged for insuring a particular vehicle.

Please Note: In setting insurance premiums, insurance companies mainly rely on factors that are not directly related to the vehicle itself (except for its value). Rather, they mainly consider driver characteristics (such as age, gender, marital status, and driving record), the geographic area in which the vehicle is driven, how many miles are traveled, and how the vehicle is used. Therefore, to obtain complete information about insurance premiums, you should contact insurance companies or their agents directly.

Insurance companies do not generally adjust their premiums on the basis of data reflecting the crashworthiness of different vehicles. However, some companies adjust their premiums for personal injury protection and medical payments coverage if the insured vehicle has features that are likely to improve its crashworthiness, such as air bags and automatic seat belts.

Test data relating to vehicle crashworthiness are available from NHTSA's New Car Assessment Program (NCAP). NCAP test results demonstrate relative frontal crash protection in new vehicles. Information on vehicles that NHTSA has tested in the NCAP program can be obtained by calling the agency's toll-free Auto Safety Hotline at (800) 424-9393.

[Insert Table To Be Published Each March by the National Highway Traffic Safety Administration]

If you would like more details about the information in this table, or wish to obtain the complete Insurance Collision Report, please contact HLDI directly, at: Highway Loss Data Institute, 1005 North Glebe Road, Arlington, VA 22201, Tel: (703) 247-1600.

Issued on: March 20, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-7266 Filed 3-23-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 950309069-5069-01; I.D. 060694A]

RIN 0648-AG71

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities; Flotation Device Requirements

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

ACTION: Final rule; technical amendments.

SUMMARY: NMFS issues this final rule to require shrimp trawlers using Turtle Excluder Devices (TEDs) in the Gulf and Atlantic Areas to attach specified flotation devices to hard TEDs or special hard TEDs with bottom escape openings. This action is necessary to improve the ability of bottom-opening, hard TEDs, and special hard TEDs to safely exclude sea turtles. In addition, NMFS is making technical amendments to the sea turtle conservation regulations to expand TED configuration options or to clarify gear descriptions, thereby reducing the chances of incidental capture and mortality of endangered and threatened sea turtles.

EFFECTIVE DATE: This rule is effective March 31, 1995, except for § 227.72(e)(4)(i)(I)(2)(ii), which contains information collection requirements that have not yet been approved by the Office of Management and Budget (OMB). Once OMB approves these requirements, a document will be published in the *Federal Register* announcing the effective date.

ADDRESSES: Requests for a copy of the environmental assessment (EA) prepared for this action, and comments on this action, should be addressed to the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, Chief, Protected Species Management Branch, NMFS, Southeast Region (813/570-5312), or Barbara Schroeder, Acting National Sea Turtle Coordinator, NMFS Office of Protected Resources (301/713-1401).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or