

| Flooding source(s) | Location of referenced elevation** | * Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL) |          | Communities affected |
|--------------------|------------------------------------|---|----------|----------------------|
|                    |                                    | Effective   | Modified |                      |

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

#### ADDRESSES

##### City of Tyler

Maps are available for inspection at the Development Services Office, 423 West Ferguson Street, Tyler, TX 75702.

##### Unincorporated Areas of Smith County

Maps are available for inspection at the Smith County Courthouse, 100 North Broadway Avenue, Tyler, TX 75702.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 8, 2012.

**Sandra K. Knight,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2012-20646 Filed 8-21-12; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 544

[Docket No. NHTSA-2012-0096]

RIN 2127-AL22

#### Withdrawal of Proposed Rule on Insurer Reporting Requirements; List of Insurers Required To File Reports

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This document withdraws a proposed rule published on May 14, 2012, that was intended to implement the requirements contained in Title 49 U.S.C. 33112 of the Insurer Reporting Requirements. This proposed rule required insurers to file reports on their motor vehicle theft loss experiences. An insurer included in any of the appendices that appeared in the proposed rule would be required to file three copies of its report for the 2009

calendar year before October 25, 2012. If the passenger motor vehicle insurers remain listed, they would submit reports by each subsequent October 25. Congress subsequently repealed Title 49 U.S.C. 33112 of the Insurer Reporting Requirements.

**DATES:** The proposed rule is withdrawn as of August 22, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, or by electronic mail to [Carlita.Ballard@dot.gov](mailto:Carlita.Ballard@dot.gov). Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** Congress enacted the Motor Vehicle Theft Law Enforcement Act of 1984 (Pub. L. 98-547). This legislation added a new Title VI to the Motor Vehicle Information and Cost Savings Act which required the Department of Transportation to promulgate a Theft Prevention Standard for selected passenger cars exhibiting high theft rates. Pursuant to Title 49 U.S.C., Section 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) 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) 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.

Section 33112(f)(2) provided that the agency shall exempt small insurers of passenger motor vehicles if NHTSA found that such exemptions would 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 stipulated that if an insurance company satisfied this definition of a "small insurer," but accounted 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.

Section 33112 established requirements that motor vehicle insurers and rental and leasing companies submit information to NHTSA on their actions to prevent or discourage the theft of motor vehicles that are stolen for the purpose of removing certain parts; to prevent or discourage the sale in interstate commerce of used parts that are removed from those vehicles; and to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles. Section 33112 required insurers and rental and leasing companies to provide motor vehicle theft and recovery information in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation.

Congress repealed Title 49 U.S.C., Section 33112 *Insurer reports and information*, effective October 1, 2012. Accordingly, the proposed rule to implement the requirements contained in Section 33112, published on May 14, 2012, at 77 FR 28343, entitled *Insurer Reporting Requirements; List of Insurers Required to File Reports*, is hereby withdrawn.

Issued on: August 17, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2012-20613 Filed 8-21-12; 8:45 am]

**BILLING CODE 4910-59-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

RIN 0648-BC30

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Transferability of Black Sea Bass Pot Endorsements

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces that the South Atlantic Fishery Management Council (Council) has submitted a revision of a disapproved action (the Resubmittal) from Amendment 18A to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 18A) for review, approval, and implementation by NMFS. The

Resubmittal would allow black sea bass pot endorsements to be transferred under specific conditions.

**DATES:** Written comments must be received on or before October 22, 2012.

**ADDRESSES:** You may submit comments on the amendment identified by “NOAA-NMFS-2012-0128” by any of the following methods:

- *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov>, enter “NOAA-NMFS-2012-0128” in the search field and click on “search”. After you located the notice of availability, click on “Submit a Comment” link in that row. This will display the comment Web form. You can enter your submitter information (unless you prefer to remain anonymous), and type your comment on the Web form. You can also attach additional files (up to 10MB) in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received through means not specified in this rule will not be considered.

For further assistance with submitting a comment, see the “Commenting” section at <http://www.regulations.gov/#!faqs> or the Help section at <http://www.regulations.gov>.

Electronic copies of the Resubmittal may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>. The Resubmittal includes a Regulatory Impact Review and a Fishery Impact Statement.

**FOR FURTHER INFORMATION CONTACT:** Kate Michie, telephone: 727-824-5305, or email: [Kate.Michie@noaa.gov](mailto:Kate.Michie@noaa.gov).

**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, partial approval, or

disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

#### Background

Amendment 18A, implemented through final rulemaking on July 1, 2012, (77 FR 32408, June 1, 2012), included a provision to limit participation in the black sea bass pot segment of the snapper-grouper fishery through the establishment of an endorsement program. The proposed rule for Amendment 18A (77 FR 06991, March 23, 2012) outlined the criteria for qualifying for an endorsement. As of August 22, 2012, 32 South Atlantic snapper-grouper unlimited permit holders qualify for an endorsement, and more could qualify after the appeals process finalizes.

Amendment 18A also contained an action to allow for the transfer of black sea bass pot endorsements. However, NMFS disapproved this action because Amendment 18A and the supporting environmental impact statement identified the incorrect preferred alternative. In addition, there were discrepancies in the record regarding the Council’s discussion of the alternatives. Therefore, NMFS was unable to implement the action in compliance with the Administrative Procedures Act. The Council decided to revise and resubmit the action addressing transferability of black sea bass pot endorsements in an amendment (the Resubmittal). All reasonable alternatives for the transferability action were analyzed in Amendment 18A according to the National Environmental Policy Act, including biological, economic, social, administrative, and cumulative impacts of the action.

The Resubmittal contains one action that would allow transfer of a black sea bass pot endorsement to an individual or entity that holds or simultaneously obtains a valid South Atlantic snapper-grouper unlimited permit. In order to be transferred, a black sea bass pot endorsement must be valid or renewable. Black sea bass pot endorsements may be transferred independently from the South Atlantic snapper-grouper unlimited permit with which it is associated. Landings history would not be transferred with the endorsement. NMFS will attribute black sea bass landings to the associated South Atlantic snapper-grouper unlimited permit regardless of whether the landings occurred before or after the