

meanings unless otherwise defined in paragraph (b) of this section.

\* \* \* \* \*

4. 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, 1996 shall contain the required information for the 1993 calendar year).

\* \* \* \* \*

5. 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**

Aetna Life & Casualty Group  
Allmerica Property & Casualty Companies<sup>1</sup>  
Allstate Insurance Group  
American Family Group  
American International Group  
California State Auto Association  
CNA Insurance Companies  
Farmers Insurance Group  
Geico Corporation Group  
ITT Hartford Insurance Group  
Liberty Mutual Group  
Metropolitan Group<sup>1</sup>  
Nationwide Group  
Progressive Group  
Prudential of America Group  
Safeco Insurance Companies  
State Farm Group  
Travelers Insurance Group  
USAA Group

6. Appendix B to Part 544 would 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)  
Amica Mutual Insurance Company (Rhode Island)  
Arbella Mutual Insurance (Massachusetts)  
Auto Club of Michigan (Michigan)  
Commerce Group, Inc. (Massachusetts)  
Commercial Union Insurance Companies (Maine)  
Concord Group Insurance Companies (Vermont)  
Erie Insurance Group (Pennsylvania)  
Kentucky Farm Bureau Group (Kentucky)

<sup>1</sup> Indicates a newly listed company which must file a report beginning with the report due October 25, 1996

Nodak Mutual Insurance Company (North Dakota)<sup>1</sup>  
Southern Farm Bureau Casualty Group (Arkansas, Mississippi)  
Tennessee Farmers Companies (Tennessee)  
7. 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.  
Avis, Inc.  
Budget Rent-A-Car Corporation  
Citicorp Bankers Leasing Corporation<sup>1</sup>  
Dollar Rent-A-Car Systems, Inc.  
Donlen Corporation<sup>1</sup>  
Hertz Rent-A-Car Division (subsidiary of Hertz Corporation)  
Lease Plan International<sup>1</sup>  
National Car Rental System, Inc.  
Penske Truck Leasing Company  
Ryder System, Inc. (Both rental and leasing operations)  
U-Haul International, Inc. (Subsidiary of AMERCO)  
USL Capital Fleet Services<sup>1</sup>  
Issued on: April 1, 1996.

Barry Felrice,  
*Associate Administrator for Safety Performance Standards.*  
[FR Doc. 96-8357 Filed 4-5-96; 8:45 am]  
BILLING CODE 4910-59-P

**49 CFR Part 571**

[Docket No. 96-30; Notice 1]

RIN 2127-AF88

**Federal Motor Vehicle Safety Standards; Windshield Wiping and Washing Systems**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, NHTSA proposes changes to the Federal Motor Vehicle Safety Standard on windshield wiping and washing systems. The proposals range from applying performance requirements to the systems in light trucks and multipurpose passenger vehicles to rescinding the Standard. This proposed action is part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative.

**DATES:** Comments must be received on or before May 23, 1996.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the

<sup>1</sup> Indicates a newly listed company which must file a report beginning with the report due October 25, 1996

<sup>1</sup> Indicates a newly listed company which must file a report beginning with the report due October 25, 1996

beginning of this notice and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. It is requested that 10 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS-21, telephone (202) 366-5280, FAX (202) 366-4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC-20, telephone (202) 366-2992, FAX (202) 366-3820. Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Comments should not be sent or faxed to these persons, but should be sent to the Docket Section.

**SUPPLEMENTARY INFORMATION:**

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive "Regulatory Reinvention Initiative" from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations and directives. During the course of this review, NHTSA identified regulations that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, application, or appropriateness. Among these regulations is Federal Motor Vehicle Safety Standard No. 104, *Windshield wiping and washing systems* (49 CFR § 571.104). Based on its review of the standard, NHTSA is proposing three alternative approaches to amending Standard No. 104.

**Background of Standard No. 104**

Standard No. 104 was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards (FMVSSs). At present, the standard applies to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses. Standard No. 104 specifies that each vehicle shall have a power-driven windshield wiping system that meets S4.1.1's requirement that each system shall have at least two speeds, each of which wipes at a different number of cycles per minute.

Standard No. 104 specifies additional wiping requirements for passenger cars, but not for the other vehicle types subject to the standard. The passenger car windshield areas to be wiped are specified in paragraphs S4.1.2 and S4.1.2.1 of the standard. S4.1.2 specifies three areas for passenger car windshields, designated as areas "A",

“B”, and “C.” A specified percentage of the glazing in each area is required to be wiped, as shown in Figures 1 and 2 of SAE Recommended Practice J903a, May 1966, which the standard incorporates by reference. The location of those areas is determined using the angles specified in Tables I, II, III, and IV of Standard No. 104, as applicable. Those tables apply to passenger cars of varying overall widths, namely, from less than 60 inches to more than 68 inches. The angles set forth in the tables vary according to the overall width of the vehicle. Finally, paragraph S4.1.2 provides that all of the glazing counted toward meeting the percentage of each area required to be wiped must lie within the area bounded by a perimeter line on the glazing surface one inch from the edge of the daylight opening.

Standard No. 104 also specifies requirements for windshield washing systems on passenger cars, MPVs, trucks, and buses. Each of those vehicles is required in S4.2.1 or S4.2.2 to have a windshield washing system that meets the requirements of SAE Recommended Practice J942 (SAE J942), “Passenger Car Windshield Washing Systems,” November 1965, with a few modifications.

#### NHTSA’s Review of Standard No. 104 and Proposals for Change

In reviewing Standard No. 104 under the President’s Regulatory Reinvention Initiative, NHTSA identified three proposals for changes to the Standard and seeks public comment on each proposal. The proposals are: (1) Rescinding the Standard if a finding can be made that the motor vehicle industry would continue to provide the same level of washing and wiping performance in the absence of a standard; (2) upgrading the light truck and MPV windshield wiping requirements to make them equivalent to the passenger car requirements; and (3) eliminating duplicative language by combining Standards Nos. 103 and 104 into a single safety standard and retitling it *Windshield clearance systems*, since Standard No. 103 presently references provisions in Standard No. 104.

Due to the relative simplicity of the proposals, the agency is not setting forth precise regulatory language for implementing those proposals.

In addition to seeking comments on each of the three proposals, the agency also seeks comment on the option of making no changes to the Standard.

#### 1. Proposal One—Rescind Standard No. 104

NHTSA’s first alternative proposal is to rescind Standard No. 104. To adopt this proposal, NHTSA would conclude that even if Standard No. 104 should be rescinded, manufacturers would continue to provide means to wipe and wash motor vehicle windshields. It is widely recognized that a motor vehicle must have some means for keeping the windshield wiped and washed so that the driver can view the road ahead. More important, the fact that light trucks and MPVs apparently provide wiping and washing performance comparable to that in passenger cars, despite the absence of performance requirements for light trucks and MPVs, indicates that passenger cars would continue to provide that level of performance in the absence of performance requirements.

In addition, market forces (in the form of customer demand) would be highly likely to ensure that vehicle manufacturers continue to provide windshield wiping and washing systems in motor vehicles. Customer magazines and consumers themselves would be likely to react negatively to vehicles that do not have adequate windshield wiping and washing systems. The agency notes that more than 93 percent of all cars and light trucks have intermittent (i.e., variable speed) wipers even though only two wiper speeds are required by Standard No. 104 and that 15 percent of cars have a rear window wiper, even though one is not required. These installations indicate market forces favoring wiping and washing devices.

NHTSA notes that if Standard No. 104 were rescinded, some States might adopt regulations requiring windshield washing and wiping systems or even regulating their performance. Were the States to adopt such regulations, there would not be any express preemption under 49 U.S.C. 30103(b), Preemption, of State requirements dissimilar to those currently in Standard No. 104. It also does not appear likely that a court would find any implied Federal preemption of State requirements, regardless of whether they are similar or dissimilar to those in the Standard. A State regulation addressing the same subject as a rescinded Federal regulation would be impliedly preempted only if the State regulation conflicted with or otherwise frustrated achieving the purposes of the Federal statute. Even if the agency were to conclude that no regulation, Federal or State, of windshield wiping and washing is necessary, it is not readily apparent how

State regulations, even ones differing from those of another State, on this subject would conflict with Federal law or have a deleterious effect on motor vehicle safety.

Finally, the agency notes that rescinding Standard No. 104 would also remove what may be unnecessarily restrictive specifications for windshield wiping and washing systems. For example, at present, S4.1 specifies that a windshield wiping system must have at least two frequencies, one of which is at least 45 cycles per minute, and the other cycle must differ by at least 15 cycles per minute. Manufacturers might develop means to clean windshields that do not operate in cycles, or other means that do not involve the traditional two wiper blades rotating in synchronization.

#### 2. Proposal Two—Upgrading the MPV and Light Truck Requirements to Make Them Equivalent to the Passenger Car Requirement

In the last decade, sales of light trucks and multipurpose passenger vehicles (MPVs) have increased substantially. In addition, these vehicles have been increasingly used to transport passengers. As a result, the number of deaths and injuries associated with those vehicles have substantially increased.

In response, NHTSA has amended certain FMVSSs to ensure that passengers are afforded the same level of protection whether they ride in a passenger car, light truck, or MPV. For example, by model year 1998, the requirements for key FMVSSs such as Standard No. 208, *Occupant crash protection* and Standard No. 214, *Side impact protection* will be virtually identical for passenger cars, light trucks, and MPVs.

Continuing the trend to make FMVSS requirements uniform for all three types of vehicles, this proposal would make similar upgrades in Standard No. 104. As noted above, Standard No. 104 presently specifies no windshield wiping requirements for light trucks and MPVs other than that they have a power-driven windshield wiping and washing system, with at least two speeds, each wiping at a different rate. NHTSA proposes minimum requirements regarding the portions of light truck and MPV windshields that must be wiped.

To adopt equivalent requirements for light trucks and MPVs, whose windshields and driver seating positions may differ from those of passenger cars, this proposal would incorporate a different set of SAE

recommended practices than those applicable to passenger cars.

For minimum windshield wiped area requirements for light trucks and MPVs, this proposal would incorporate relevant provisions of SAE Recommended Practice J198 (SAE J198) "Windshield Wiper Systems—Trucks, Buses, and Multipurpose Vehicles" January 1971. In Paragraph 3.1.1, SAE J198 describes the portions of the exterior windshield glazing surface that must be wiped as follows: area A (the largest area, encompassing both the driver's and front passenger's view), area B (an area somewhat smaller than area A) and area C (the smallest area, in front of the driver's view). Each area is established using angles in Table 1 of SAE J198 applied as shown in Figure 1 of SAE J198.

NHTSA tentatively concludes that if minimum windshield wiped area requirements were to be adopted for light trucks and MPVs, the costs, if any, incurred by manufacturers would be slight. It appears that virtually all light trucks and MPVs already meet SAE J198's minimum wiped area requirements, thus minimizing the need for design changes. Nevertheless, NHTSA seeks public comment on cost increases. The potential for a slight cost increase comes from the possibility that the manufacturers may not currently be doing as much performance testing as they would if those requirements were adopted.

As part of this proposal, the agency would adopt minimum performance requirements for windshield washer systems in trucks, buses and MPVs. The standard would be amended to reference the two SAE Recommended Practices addressing the performance of those systems in those vehicles.

As noted above, Standard No. 104 references SAE J942 "Passenger Car Windshield Washer Systems." Despite its title, SAE J942 specifies minimum performance requirements not only for windshield washer systems in passenger cars, but also for those in trucks, buses, and MPVs. Under this proposal, NHTSA would apply SAE J942 to trucks, buses and MPVs with a GVWR 10,000 lbs. and under.

In addition, in May 1991, SAE Recommended Practice J1944 (SAE J1944) "Truck & Bus Multipurpose Vehicle Windshield Washer System" was established. SAE J1944 describes minimum performance requirements for windshield washing systems on trucks, buses, and MPVs with a gross vehicle weight rating (GVWR) of 10,000 lbs. or greater. Under this proposal, NHTSA would incorporate SAE J1944's minimum performance requirements by

reference and apply them to trucks, buses and MPVs with a GVWR of greater than 10,000 lbs. NHTSA seeks comments on whether this step would improve the safety of any of these vehicles and on the potential cost effects for vehicle or windshield washing system manufacturers.

### 3. Proposal Three—Combining Standards Nos. 103 and 104

NHTSA's third alternative proposal is to combine Standards Nos. 103 and 104 to make the standards easier to comprehend and apply. The two standards are already substantially interconnected. Standard No. 103 references tables in Standard No. 104 to establish angles used in locating the defrosted areas. If the two standards were combined, the single standard would be titled as a standard on windshield clearance systems. In addition to seeking comments on this proposal, NHTSA would entertain comments on combining this proposal with the preceding proposal.

#### Rulemaking Analyses and Notices

##### 1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice of proposed rulemaking was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this rulemaking action and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

For Proposal One, NHTSA tentatively concludes that if that proposal were adopted as a final rule, there may be slight cost savings to industry, since manufacturers would no longer need to test vehicles for compliance with Standard No. 104. The cost savings would be so minimal that NHTSA is unable to quantify them. NHTSA tentatively believes manufacturers likely would continue to provide essentially the same level of windshield wiping and washing capability as they currently provide.

With respect to Proposal Two, it is NHTSA's tentative conclusion that adoption of that proposal might result in only slightly increased costs to industry, due to testing to new specifications. However, these potential increased costs are so minimal that NHTSA is unable to quantify them.

If Proposal Three were adopted as a final rule, NHTSA anticipates no changes in costs to industry, since no substantive changes to Standard No. 104 would be made.

Based on the foregoing, the agency concludes that the potential impacts are

so minimal as not to warrant preparation of a full regulatory evaluation.

##### 2. Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. As noted above, NHTSA tentatively concludes that only Proposal Two, if adopted as a final rule, might result in slightly increased costs to manufacturers, due to testing to new specifications. Since the cost of new motor vehicles would not be affected, small entities which purchase motor vehicles would similarly not be affected. Therefore, an initial regulatory flexibility analysis has not been prepared.

##### 3. National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

##### 4. Executive Order 12612 (Federalism)

NHTSA has analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that it would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

##### 5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### Procedures for Submitting Comments

Interested persons are invited to submit comments on this advance notice of proposed rulemaking. It is requested but not required that 10 copies 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, three 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 seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality 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 this notice will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for future rulemaking. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and 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.

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

Issued on: April 2, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-8648 Filed 4-5-96; 8:45 am]

BILLING CODE 4910-59-P

#### 49 CFR Part 571

[Docket No. 96-31; Notice 1]

RIN 2127-AF87

#### Federal Motor Vehicle Safety Standards; Windshield Defrosting and Defogging Systems

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** NHTSA sets forth alternative proposals for changing the Federal Motor Vehicle Safety Standard on windshield defrosting and defogging systems. The proposals range from applying performance requirements to the systems in light trucks and multipurpose passenger vehicles to rescinding the Standard. This action is part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative.

**DATES:** Comments must be received on or before May 23, 1996.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested that 10 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS-21, telephone (202) 366-5280, FAX (202) 366-4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC-20, telephone (202) 366-2992, FAX (202) 366-3820.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments should not be sent or faxed to these persons, but should be sent to the Docket Section.

#### SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995, directive "Regulatory Reinvention Initiative" from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations. During the course of this review, NHTSA identified regulations that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, application, or appropriateness. Among these regulations is Federal Motor Vehicle Safety Standard No. 103, *Windshield*

*defrosting and defogging systems* 49 CFR 571.103). After reviewing below the background of the standard, NHTSA explains why it is proposing changes to Standard No. 103.

Background of Standard No. 103

Standard No. 103 was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards (FMVSSs). The standard, applicable to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses, specifies in S4.1 that each of these vehicles shall have a windshield defrosting and defogging system.

Standard No. 103 specifies performance requirements for the windshield defrosting and defogging systems in passenger cars, but not for the systems in the other types of vehicles covered by the Standard. S4.2 of Standard No. 103 specifies that each passenger car windshield defrosting and defogging system shall meet specified provisions of SAE Recommended Practice J902 (SAE J902), "Passenger Car Windshield Defrosting Systems," August 1964.

SAE J902 establishes uniform test procedures and minimum performance requirements for the "critical area" of the windshield and for the "entire windshield." SAE J902 prescribes a laboratory evaluation of defroster systems during which a known quantity of water is sprayed on the windshield, forming an ice coating, to provide uniform and repeatable test results. However, while Standard No. 103 incorporates the test procedures and performance requirements of SAE J902, it does not incorporate the SAE J902's definition of "critical area" and "entire windshield." Instead, Standard No. 103 substitutes areas of the windshield determined in accordance with Standard No. 104, "Windshield Wiping and Washing Systems." It substitutes Area C from Standard No. 104 for the "critical area" and Area A for the "entire windshield."

Vehicles manufactured for sale in the "noncontinental United States," which have tropical climates and where snow and icing conditions are thus virtually unknown, have the option of either meeting S4.1 of Standard No. 103 (i.e., installing a windshield defrosting and defogging system) or installing a windshield defogging system which operates either by applying heat to the windshield or by dehumidifying the air inside the passenger compartment of the vehicle. Since air conditioners dehumidify the air in addition to cooling it, all vehicles with air conditioners have defogging capability,