

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. 91-53; Notice 06]

Insurer Reporting Requirements; Reports on Section 612 of the Motor Vehicle Theft Law Enforcement Act of 1984

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

ACTION: Notice of availability.

SUMMARY: This notice announces publication by NHTSA of three reports. Section 612(b) of Title VI of the Motor Vehicle Information and Cost Savings Act (MVICSA, Pub. L. 93-513) requires this information be periodically compiled and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. The three reports are for reporting years 1989, 1990 and 1991. These reports cover Section 612 which provides information on theft and recovery of vehicles; rating rules and plans used by motor vehicle insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts.

ADDRESSES: Interested persons may obtain a copy of the Section 612 informational report by contacting the Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m. Monday through Friday. Requests should refer to Docket No. 91-53; Notice 06.

FOR FURTHER INFORMATION: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, S.W., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: The Motor Vehicle Theft Law Enforcement Act of 1984 (Theft Act) was implemented to enhance detection and prosecution of motor vehicle theft (Pub. L. 98-547). The Theft Act added a new Title VI to the Motor Vehicle Information and Cost Savings Act, which required the Secretary of Transportation to issue a theft prevention standard for identifying major parts of certain high-theft lines of passenger cars. The Act also addressed several other actions to reduce motor vehicle theft, such as: increased criminal penalties for those who traffic in stolen vehicles and parts; curtailment

of the exportation of stolen motor vehicles and off-highway mobile equipment; establishment of penalties for dismantling vehicles for the purpose of trafficking in stolen parts; and development of ways to encourage decreases in premiums charged to consumers for motor vehicle theft insurance.

Title VI was designed to impede the theft of motor vehicles by creating a theft prevention standard which required manufacturers of designated high-theft car lines to mark or inscribe them with a vehicle identification number. The theft standard became effective in Model Year 1987 for designated high-theft car lines.

The "Anti-Car Theft Act of 1992" amended the law relating to the parts-marking of major component parts on designated high-theft vehicles. One amendment made by the Anti-Car Theft Act was to 49 U.S.C. 33101(10), where the definition of "passenger motor vehicle" now includes a "multipurpose passenger vehicle or light-duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." Since "passenger motor vehicle" was previously defined to include passenger cars only, the effect of the Anti-Car Theft Act is that certain multipurpose passenger vehicle (MPV) and light-duty truck (LDT) lines may be determined to be high-theft vehicles subject to the Federal motor vehicle theft prevention standard (49 CFR Part 541).

Section 612 of the Theft Act requires subject insurers or designated agents to report annually to the agency on theft and recovery of vehicles; rating rules and plans used by insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts. Rental and leasing companies also are required to provide annual theft reports to the agency.

The annual insurer reports provided under Section 612 of the Theft Act are intended to aid in implementing the Theft Act and fulfilling the Department's requirements to report to the public the results of the insurer reports. The first annual insurer reports, referred to as the Section 612 Report on Motor Vehicle Theft, was prepared by the agency and issued in December 1987. A notice announcing the availability of the first report was published in the **Federal Register** on February 19, 1988. The report included theft and recovery data by vehicle type, make, line, and model which were tabulated by insurance companies and, rental and leasing companies. Comprehensive premium information

for each of the reporting insurance companies was also included. The fifth, sixth and seventh reports disclose the same subject information and follow the same reporting format.

Issued on: June 9, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-15710 Filed 6-13-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. 97-037; Notice 1]

Fleetwood Enterprises, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Fleetwood Enterprises, Inc. (Fleetwood) of Riverside, California has determined that front side windows of some of the motor homes it manufactured fail to comply with the light transmittance requirements of 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, "Glazing Materials," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Fleetwood has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Standard No. 205, which incorporates by reference, the American National Standards Institute's (ANSI) "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z-26.1-1977, January 26, 1977, as supplemented by Z26.1a, July 3, 1980 (ANS Z26.1), specifies that glazing materials used in windshields and in windows to the immediate right and left of the driver of trucks and buses shall have a luminous transmittance of not less than 70 percent of the light, at normal incidence, when measured in accordance with "Light Transmittance, Test 2" of ANSI Z-26.1-1980. It specifies that all windows of an automobile shall have a luminous transmittance of not less than 70 percent.

During the period of July, 1995 through January, 1997, Fleetwood

manufactured approximately 1,438 1996 and 1997 model year Flair brand motor homes having front side windows with a luminous transmittance of 62 percent and approximately 188 Bounder brand motor homes and 733 Discovery brand motor homes, also of model years 1996 and 1997, having double panes of the same glazing in the front side windows. Fleetwood reported a luminous transmittance of 41 percent for the dual pane application. Beginning with vehicle production in January, 1997, front side windows with a luminous transmittance of greater than 70 percent have been installed in all Fleetwood motor homes.

Fleetwood supports its application for inconsequential noncompliance with the following:

Fleetwood considered a Ford Motor Company inconsequentiality petition that references computer modeling studies and in-car evaluations conducted by Ford Motor Company that were used in their petition dated February 6, 1995 which showed a 5 point reduction in the percentage of light transmission, from 65 to 60 percent, resulted in a reduction of seeing distance of only 1 to 2 percent during night time driving, and little or no reduction in seeing distance during dusk and daytime driving. Based on these studies, the subject Flair brand motor home driver and passenger side windows with 62 percent light transmittance would be expected to result in no significant reduction in seeing distance during night time driving and virtually no reduction during dusk and daytime driving, compared to glass with a 70 percent transmittance. Reductions in seeing distances of 1 percent or less have no practical or perceivable effect on driver visibility based on observer's reports in vehicle evaluations by Ford of windshields with line-of-sight transmittance in the 60 to 65 percent range. The subject Bounder and Discovery brand motor home driver and passenger side windows with 41 percent light transmittance would be expected to result in no significant reduction in seeing distances during night time driving, and little to no reduction in seeing distance during dusk and daytime driving.

Fleetwood also considered that the stated purpose of FMVSS No. 205 to which the light transmittance requirements are directed is "to ensure a necessary degree of transparency in motor vehicle windows for driver visibility." NHTSA, in its March, 1991 "Report to Congress on Tinting of Motor Vehicle Windows", concluded that the light transmittance of windows of the

then new passenger cars and vans that complied with Standard No. 205 did not present an unreasonable risk of accident occurrence. The new passenger cars and vans that were considered to not present an unreasonable risk had effective line-of-sight light transmittances through the windshields as low as approximately 63 percent on passenger car windshields and 55 percent on van windshields (as determined by a 1990 agency survey, the results of which were included in the Report to Congress). Fleetwood feels that while light transmittance and driver visibility through front side windows is important to the safe operation of motor homes, it is not as important as driver visibility through motor home windshields. Therefore, while the use of front side window glazing with luminous transmittance less than 70 percent is technically a non-compliance, we believe the condition presents no risk to motor vehicle safety.

Fleetwood's opinion that this non-compliance is not safety related is also based upon the consideration of the great amount of visibility that is inherent in the driver packaging of the subject motor homes. Factors which contribute to this visibility are:

1. The windshield glass is approximately 100 inches wide by 36 inches tall.
2. The windshield glass is installed at an incidence angle of 4 degrees back from vertical.
3. The involved side window glass on the Flair and Bounder brand motor homes is approximately 46 inches long by 31 inches tall. The involved side window glass on the Discovery brand motor home is approximately 52 inches long by 34 inches tall.
4. The involved side window glass is flat and is installed perpendicular to the ground.
5. The driver's seat H point ranges from approximately 50 to 62 inches from the ground.
6. The involved windows have a slider feature which allows them to be positioned out of line of sight (if desired), and
7. Side window visibility is primarily key in sharp turning maneuvers which are typically performed at low speeds.

Interested persons are invited to submit written data, views, and arguments on the application of Fleetwood, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted. All comments received before the close of

business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: (July 16, 1997).
(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 10, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-15709 Filed 6-13-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 189X)]

Norfolk and Western Railway Company—Abandonment Exemption— in McDowell County, WV

Norfolk and Western Railway Company (NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.0-mile line of railroad between milepost NF-0.0 at Norfolk, and milepost NF-1.0 at Buzzards Creek Junction, WV. The line traverses United States Postal Service Zip Code 24868.

NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial