

[Docket No. 96-129; Notice 1]**General Motors Corp.; Receipt of Application for Decision of Inconsequential Noncompliance**

General Motors Corporation (GM) has determined that a small number of 1997 Model Year Pontiac Firebird vehicles fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) 108, "Lamps, Reflective Devices and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR part 573 "Defect and Noncompliance Information Report." GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) 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(d) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.5.11(a)(2) of FMVSS No. 108 requires that any pair of lamps on the front of a passenger car, * * * other than parking lamps or fog lamps, may be wired to be automatically activated, as determined by the manufacturer of the vehicle, * * * provided that each such lamp is permanently marked "DRL" on its lens in letters not less than 3 mm high, unless it is optically combined with a headlamp.

GM's description of the noncompliance follows:

GM recently discovered that the combination park/turn signal lamp for the 1997 Pontiac Firebird vehicles had been released without the required "DRL" marking on the face of the lamp. The condition was corrected in September 1996. Approximately 4,500 vehicles were produced without "DRL" marked on the lamps.

GM supported its application for inconsequential noncompliance with the following reasons:

"The park/turn signal lamps meet all substantive requirements of FMVSS 108 for all functions; the sole noncompliance concerns the marking on the lamps for the voluntary DRL function.

"NHTSA adopted a lens marking requirement in the final rule promulgating DRL provisions because of a concern that state enforcement and vehicle inspection officials would not be able to "distinguish between legal and illegal lamps and lamp combinations in the absence of marking." 58 FR 3504 (1993).

"While NHTSA adopted "DRL" as the required marking, it had considered an

alternate proposal to adopt the "Y2" identification code specified in SAE Recommended Practice J759, Lighting Identification Code, January 1995 (SAE J579). The agency chose to require the "DRL" marking apparently not because of a state inspection concern, but because the SAE specifications were not identical to the federal ones. NHTSA reasoned that "to adopt the SAE designation would be inaccurate and confusing because it would signify adoption of the SAE requirements * * * " *Id.*

"In this instance, the subject vehicles include the "Y2" marking specified by SAE J759. Thus, while the lamps do not meet the explicit federal marking requirements, they do provide an indication to state officials that the lamps are intended to be used as DRLs. Moreover, the concern expressed by NHTSA in the final rule about the SAE designation does not apply here since the subject lamps meet the substantive requirements of both FMVSS 108 and SAE J759.

"The owner's manual for the Firebird explains that the DRL function is provided by the park/turn signal lamp. A state inspector who is unclear about the "Y2" designation would have alternate means of confirming that the turn signal portion of the lamp properly provides a DRL function.

"The population of subject vehicles is small, so any confusion created by the condition would be minimal.

"GM is not aware of any customer complaints concerning the absence of the "DRL" marking."

Interested persons are invited to submit written data, views, and arguments on the application of GM, 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: January 17, 1997.

(49 U.S.C. 30118, delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: December 11, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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[Docket No. 96-128; Notice 1]**Nissan Motor Corporation, U.S.A.; Receipt of Application for Decision of Inconsequential Noncompliance**

Nissan Motor Manufacturing Corporation USA, (Nissan) has determined that certain Nissan Sentra 4-door sedans fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) 108, "Lamps, Reflective Devices and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR part 573 "Defect and Noncompliance Information Report." Nissan has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) 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(d) and 30120(h) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.1.1 of FMVSS No. 108 requires that each vehicle shall be equipped with certain lamps and reflective devices that shall be designed to conform to applicable SAE Standards or Recommended Practices referenced in the Standard. The stop lamp function of a rear combination lamp assembly must meet the photometric performance requirements of SAE J586 FEB84. To determine photometric performance requirements of SAE J586 FEB84, light intensity measurements are taken at 19 test points in a geometric grid. The grid is further broken down into five separate zones. The measured test point values that are located within a zone are summed to provide a zone total which must meet a minimum value. The stop lamp function of the rear combination lamp assemblies in the subject vehicles meet the requirements in Zones 1, 2, 4, and 5. However, in certain vehicles the minimum requirements in Zone 3 may not be met. The photometric results for the tested lamps of the Sentra 4-door sedan stop lamp function in Zone 3 are contained in the inconsequential application and are available in the National Highway Traffic Safety Administration Docket Section. The tail lamp function of the subject

combination lamps meet or exceed all test criteria and is in compliance with FMVSS No. 108.

Nissan's description of the noncompliance follows:

From December 11, 1995, through September 1996, Nissan manufactured approximately 65,000 1996 and 1997 model year Nissan Sentra 4-door sedans with stop lamp assemblies that do not comply with the photometric requirements in SAE J586 FEB84 as referenced in 49 CFR 571.108, S5.1.1. The Sentra 4-door sedan uses a combination stop and tail lamp assembly that was designed to conform to FMVSS 108 and the photometric requirements in SAE J586 FEB84 as referenced in 49 CFR 571.108, S5.1.1. J586 FEB84 defines 19 test points that must receive a specified range of light intensity. These test points are grouped into five zones and their intensities are summed to arrive at a total within each zone. Each zone's total has a required value, measured in candela, that must be met with none of the test points falling below 60% of its specified value.

Nissan stated that based on testing of production lamps, it was discovered that the summation of the five test points measured across Zone 3 did not meet the required stop lamp zone total of 380 candela in some of the lamps. All other zone totals were within FMVSS No. 108 specifications for the stop lamp function, and all FMVSS 108 criteria were met for the tail lamp function.

Nissan supported its application for inconsequential noncompliance with the following:

"Nissan [we] believe the failure of the stop lamp portion of the rear combination lamp assembly to meet photometric requirements in one of five zones is inconsequential to motor vehicle safety for the following reasons:

"A NHTSA sponsored study titled "Driver Perception of Just Noticeable Difference[s] in [of Automotive] Signal Lamp Intensities" [DOT HS 808 209, September 1994] demonstrated a change in luminous intensity of 25 percent or less is not noticeable by most drivers. Since all of the stop lamps Nissan tested, except one, were closer to the standard than 25 percent, the noncompliance is likely undetectable to the human eye. The single worst case sample was 25.5 percent below the standard in zone 3 but exceeds the photometric requirements of zones one, two, four, and five and meets or exceeds all other FMVSS and SAE requirements.

"The stop lamp is more than five times brighter than the tail lamp. A following driver will have no problem detecting the moment of brake application.

"The two combination lamp assemblies are supplemented by a Center High Mounted Stop Lamp (CHMSL). The Sentra's CHMSL illuminates at over two times the minimum standard to provide not only strong warning of brake application to the following driver, but also vehicles further back in the traffic flow. Nissan believes the supplementary benefit of the bright CHMSL helps to compensate for any diminished stop lamp performance.

"The combination tail/stop lamp assemblies are mounted high in the vehicle's body near the beltline. This mounting location provides excellent line of sight visibility to a following driver.

"Nissan is not aware of any accidents, injuries, owner complaints or field reports related to this condition.

"In similar situations NHTSA has granted the applications of various other petitioners. See, for example, 61 FR, January 22, 1996 (petition by General Motors); 56 FR 59971, November 26, 1991 (petition by Subaru of America); and 55 FR 37601, September 12, 1990 (petition by Hella Inc.)."

Interested persons are invited to submit written data, views, and arguments on the application of Nissan, 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: January 17, 1997.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: December 11, 1996.

L. Robert Shelton.

Associate Administrator for Safety Performance Standards.

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[Docket No. 96-124; Notice 1]

Philips Lighting Company, U.S.A.; Receipt of Application for Decision of Inconsequential Noncompliance

Philips Lighting Company (PLC) has determined that certain of its Model 9004 replacement halogen headlamp bulbs fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) 108, "Lamps, Reflective Devices and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR part 573 "Defect and Noncompliance Information Report." PLC has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) 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(d) and 30120(h) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.1.1 of FMVSS No. 108 states in part that lamps, reflective devices, and associated equipment specified in Tables I and III and S7, as applicable, shall be designed to conform to the SAE Standards or Recommended Practices referenced in those tables. Table I applies to multipurpose passenger vehicles, trucks, trailers, and buses, 80 or more inches in overall width. Table III applies to passenger cars and motorcycles, and to multipurpose passenger vehicles, trucks, trailers, and buses, less than 80 inches in overall width.

PLC's description of the noncompliance follows:

Some lamps have dimensions that do not comply with FMVSS No. 108 Figures 3-1, 3-3 and 3-8 of FMVSS No. 108. Some lamps do not comply with Paragraph S9 of FMVSS 108 "Deflection test for replaceable light sources." The noncompliance is caused by process variations at the supplier's manufacturing site. The dimensional noncompliance and the bulb deflection noncompliance are described in Exhibits "A" and "B" of the application. These exhibits reflect the results of test data identifying several deviations from the FMVSS No. 108 specification.

PLC supported its application for inconsequential noncompliance with the following:

"Dimension K Low, Figure 3-1: The "K" low dimension defines the location of the low[er] beam filament within the lamp. In a random test sample, two lamps were found whose measurements