

ACTION: Amended notice of intent.

SUMMARY: The FHWA is issuing this amended notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project in Los Angeles County, California.

FOR FURTHER INFORMATION CONTACT:

C. Glenn Clinton, Chief, District Operations—South, Federal Highway Administration, 980—9th Street, Suite 400, Sacramento, CA 95814-2724; Telephone: (916) 498-5037.

SUPPLEMENTARY INFORMATION: No federal funding is proposed to be used by the City of Santa Clarita to construct the extension of Magic Mountain Parkway (State Route 126) from west of San Fernando Road to Via Princessa (2.5 miles) and to construct the extension of Via Princessa from Magic Mountain Parkway to Rainbow Glen Drive (1.7 miles). Since there is no federal action for the proposed project, the preparation of an environmental impact statement (EIS) to satisfy the requirements of the National Environmental Policy Act (NEPA) of 1969 will not be needed. Thus this amended notice is to rescind the earlier notice which was published in the **Federal Register** on February 24, 1998 (63 FR 9293).

Per the California Environmental Quality Act (CEQA), a Notice of Preparation on an Environmental Impact Report (EIR) for this project was published on February 12, 1997 and a 45-day public comment period followed from February 12, 1997 to March 31, 1997, including a Public Scoping Meeting held on March 5, 1997. In addition to the comment period and scoping meeting, three public meetings were conducted by the City of Santa Clarita in November 1996. The public and review agencies have had the opportunity to comment on the scope and content of the project.

Issued on: July 9, 1998.

C. Glenn Clinton,

*Chief, District Operations—South,
Sacramento, California.*

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DEPARTMENT OF TRANSPORTATION

**National Highway Traffic Safety
Administration**

[Docket No. NHTSA-97-3129; Notice 2]

**Ford Motor Company; Grant of
Application for Decision of
Inconsequential Noncompliance**

Ford Motor Company, Dearborn, Michigan, has estimated that

approximately 853,000 of its 1995-1997 Ford Explorer and 1997 Mercury Mountaineer multipurpose passenger vehicles with console armrests fail to comply with 49 CFR 571.302, Federal Motor Vehicle Safety Standard (FMVSS) No. 302, "Flammability of Interior Materials," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." On September 11, 1997, Ford applied to the National Highway Traffic Safety Administration (NHTSA) 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.

On November 25, 1997, NHTSA published a notice of receipt of the application in the **Federal Register** (62 FR 62798) and requested comments on it. The agency received no comments.

FMVSS No. 302, Paragraphs S4.2 and S4.3, specify that any portion of a single or composite material which is within 1/2 inch of the occupant compartment air space, when tested in accordance with paragraph S5, shall not burn, nor transmit a flame across its surface, at a rate of more than 4 inches per minute. Composite is defined as a material that adheres to other material(s) at every point of contact. FMVSS No. 302's burn rate testing requires a 4-inch wide by 14-inch long sample, wherever possible (S5.2).

The Ford Explorer and Mercury Mountaineer armrests have multi-layer cover materials: a 1.5mm thick exterior cover, a 2mm thick second layer Ethylene Vinyl Acetate/Polyethylene (EVA/PE), referred to in the application as "plus pad," a 13mm thick third layer foam bun pad, and a 3mm polycarbonate substratum. The subject of Ford's application is the 2mm thick "plus pad" layer.

Ford acknowledged that the "plus pad" material does not adhere to its 1.5mm exterior cover material or the 13mm foam bun under it at every point of contact. Therefore, as specified in FMVSS No. 302, the "plus pad" material cannot be tested with other materials as a composite material and has to be tested separately. Ford reported that when the "plus pad" material was tested separately, it showed a burn rate range from 8 to 10 inches per minute—a noncompliance with FMVSS No. 302. Ford stated that all other affected materials in the armrest satisfy the 4-inch per minute maximum burn rate. Ford explained that the supplier of the "plus pad" material only "certified" the raw material for FMVSS No. 302 by testing

11mm thick samples, not the designed 2mm thickness.

Ford supported its application for inconsequential noncompliance with the following:

A. Ford stated that the FMVSS No. 302 burn rate testing requirement of cutting a sample from the "normal configuration and packaging in the vehicle" is conservative in regard to the actual fire spreading potential of the tested material.

B. The 2mm "plus pad" failed the FMVSS No. 302 test requirements when tested as a single material. However, a series of further testing demonstrates that the noncompliance does not adversely affect occupant safety because it does not increase the burn rates of the assembly or the adjacent materials in the assembly to levels higher than specified by FMVSS No. 302.

C. The "plus pad" accounts for less than 10 percent of the armrest material and is an insignificant percentage of the vehicle's remaining materials. All other flammable interior materials of the subject vehicles complied with FMVSS No. 302. Therefore, the noncompliance of the "plus pad" offers an insignificant portion of interior materials that could potentially support an interior fire.

Ford attached the following summary results of several alternative tests, including a "worst case scenario" test:

1. FMVSS No. 302 type tests (cover, plus pad, and foam)—treated the assembly materials as a composite material.

2. FMVSS No. 302 type tests (cover, plus pad, and foam)—added simulations of cut and torn of the materials:

a. Cut the cover layer longitudinally,
b. Cut a hole in the cover layer, and
c. Cut through the cover layer and the "plus pad" longitudinally.

3. FMVSS No. 302 type tests (plus pad and foam)—with the cover layer completely removed to simulate a worst case scenario.

4. Cut a complete armrest assembly in half along the lateral-vertical plane:

a. Exposed the opposite of the cut end to the flame, and
b. Exposed the cut cross-section to the flame.

All test results were less than FMVSS No. 302's maximum permissible 4-inch per minute burn rate, thereby meeting the standard.

In conclusion, Ford requested NHTSA to grant the inconsequentiality petition since the "plus pad" complied with FMVSS No. 302's requirements in every other test except that when tested by itself. Ford's request was based on the fact that the "plus pad" represents an insignificant adverse effect on interior material burn rate and the potential for

occupant injury due to interior fire and that the noncompliance presents no reasonably anticipated risk to motor vehicle safety.

On October 30, 1997, NHTSA wrote Ford for additional information about the tests described in the application. Ford responded to the request on November 20, 1997. Following an evaluation of the information provided by Ford, on December 4, 1998, the agency requested Ford to conduct an additional "composite" test, i.e., with the cover, plus pad, and foam bun. The additional test would simulate another possible "worst case scenario" different from the one Ford performed. Ford did not conduct the additional test requested by the agency and requested to be provided with an opportunity to explain its position. On February 19, 1998, NHTSA and representatives from Ford met at the agency. The Ford representatives explained why they believed that sufficient data were already provided to NHTSA for reviewing the application. Subsequent to the meeting, Ford sent a letter to NHTSA on March 12, 1998, formally responding to the agency's December 4, 1997, request. The March 12, 1998, letter explained that the term "worst case scenario" used in the Ford application was intended to describe its "functional composite" test results which simulate long term vehicle use conditions (durability performance). All the above-mentioned correspondence has been placed in the docket.

NHTSA has thoroughly evaluated the data Ford provided and carefully considered its subsequent explanations about the data. It agrees with Ford. The agency has concluded that the "plus pad" in the noncompliant Ford Explorer and Mercury Mountaineer vehicles is unlikely to pose a flammability risk due to the unlikelihood of its exposure to an ignition source, if the exterior cover is not present in the first instance.

NHTSA's evaluation of the consequentiality of this noncompliance should not be interpreted as a diminution of the agency's safety concern for the flammability of interior materials. Rather, it represents NHTSA's assessment of the gravity of this specific noncompliance based upon the likely consequences. Ultimately, the issue is whether this particular noncompliance is likely to create a risk to safety. NHTSA is not aware of any occupant injuries to date in vehicle post-crash fires that were caused by burning of console armrests in the Ford Explorer and Mercury Mountaineer vehicles. Based on the foregoing, NHTSA has decided that Ford Motor Company has met its burden of persuasion that the

noncompliance herein described is inconsequential to motor vehicle safety. Accordingly, the application is granted, and Ford Motor Company is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

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

Issued on: July 27, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4008; Notice 1]

Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain 1998 GMC Sonoma pickup trucks, GMC Jimmy and Oldsmobile Bravada sport utility vehicles are equipped with daytime running lamps (DRLs) that fail to meet the spacing requirements of Federal Motor Vehicle Safety Standard (FMVSS) 108—Lamps Reflective Devices and Associated Equipment. Pursuant to section 30118 and 30120 of Title 49 of the United States Code, GM applied to the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential to motor vehicle safety. Concurrently, in accordance with 49 CFR 556.4(b)(6), GM has submitted a 49 CFR 573.5 noncompliance notification to the agency.

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.

The DRLs on the noncompliant vehicles are provided by the upper beam headlamps operating at reduced intensity, with a maximum output of approximately 6,700 candela per lamp. As such, FMVSS 108 requires the DRL be located "so the distance from its lighted edge to the optical center of the nearest turn signal lamp is not less than 100 mm." (The DRLs on the noncompliant vehicles are not deactivated when the turn signal or hazard flashers are activated. If they were deactivated under those

conditions, they would comply with the spacing requirements of FMVSS 108 (see S5.5.11(a)(4)(iv))). In this case, the 122,455 vehicles involved provide less than the requisite 100 mm clearance between the DRL and the turn signal. As a result, they fail to meet the requirements of FMVSS 108.

GM believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The subject vehicles meet all requirements of Canadian Motor Vehicle Safety Standard No. 108 (CMVSS108) and the identical DRL requirements found in FMVSS 108 prior to October 1, 1995.

2. CMVSS 108 requires turn signals that are located less than 100 mm from a DRL to have increased intensities of 2½ times the minimum photometric values to help assure the turn signals are readily visible. The subject vehicles have turn signals that are much brighter. When photometered, the turn signals on the noncompliant vehicles were actually more than four times brighter than the minimum required intensities. This increased brightness helps to assure the turn signals are not masked by the DRL.

3. The method for determining the optical center of the turn signal is open to some interpretation. Traditionally, automobile manufacturers have used the filament axes as the determining factor. Transport Canada has supported this methodology. More recently, some manufacturers have used the centroid of the lamp as the optical center. Depending on the method used, the turn signal of the noncompliant vehicles is either 71 mm (using centroid) or 85 mm (using filament axes) away from the DRL. Therefore the condition is within 15 percent, or using the more conservative figure, within 30 percent of the requirement. (For the purposes of the application all other references to optical center of the turn signal will be based on the centroid, which generates a more conservative estimate of the distance between the turn signal and lighted edge of the DRL.)

4. Regardless of the whether the distance is within 15 percent or 30 percent of the 100 mm requirement, the turn signal and the DRL diagonal to each other. Therefore, the closest lighted edge of the DRL is the corner of the lamp (see figure 1). This portion of the lamp does not significantly contribute to the DRL beam pattern, and therefore does not have a significant potential to mask the turn signal.

5. Photometric values of the turn signal 71 mm from the DRL, are not significantly different than a turn signal 100 mm from the DRL. To demonstrate this, on-vehicle evaluations of the turn