

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

signal output were made using a video-based photometer (digital CCD camera system). First, the photometric output of the turn signal was measured with the DRL activated. Then a portion of the DRL was blocked, as shown in Figure 2, and the output of the turn signal was re-measured with the modified DRL activated. The zonal values of the turn signal changed an average of just 12.7 percent. The largest difference in turn signal output was found in zone 5, closest to the DRL, and it only changed 17.5 percent.

6. Subjective evaluations were run using GM personnel whose jobs do not involve vehicle lighting. They were asked to rate the relative visibility of turn signals on the subject vehicles and other vehicles that meet the FMVSS 108 spacing requirement. The results, shown in figure 3, indicate the visibility of subject turn signals is substantially better than vehicles that just meet the minimum requirement. In addition, the turn signals are rated nearly identical to vehicles modified to be fully compliant to the requirements, and preferred only slightly less than turn signals on the Chevrolet Blazer (which is a similar vehicle whose turn signal/DRL spacing meets the requirements of FMVSS 108). A copy of the report *Subjective*

Evaluation by GM Truck Group Engineering Operations, Milford Proving Ground, Publication Date: 22 May 1998, has been placed in Docket No. NHTSA-98-4008; Notice 1.

7. The turn signals on the noncomplying vehicles are 116 square centimeters, which is larger than typical turn signals found on similar vehicles. FMVSS 108 requires the functional lighted area of a turn signal lamp to be a minimum of 22 square centimeters. (Table III of FMVSS 108 requires turn signals meet SAE J588 NOV'84—TURN SIGNAL LAMPS FOR USE ON MOTOR VEHICLES LESS THAN 2032 MM IN OVERALL WIDTH. SAE J588 NOV84 S5.3.2 requires, "The functional lighted lens area of single compartment lamp shall be at least . . . 22 square centimeters for a front [turn signal] lamp.") Therefore, the subject turn signals provide 5.3 times the area necessary to meet the requirement. The larger size of the turn signal helps to minimize any potential for masking by the DRL.

GM believes the noncompliance discussed here is inconsequential to motor vehicle safety. In consideration of the foregoing, GM applied for a decision that it be exempted from the notification and remedy provisions of 49 U.S.C.

30118 and 30120 for this specific noncompliance with FMVSS 108.

Interested persons are invited to submit written date, views, and arguments on the application of GM described above. Comments should refer to the Docket Number and be submitted to: Docket Management, Room PL 401, 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.

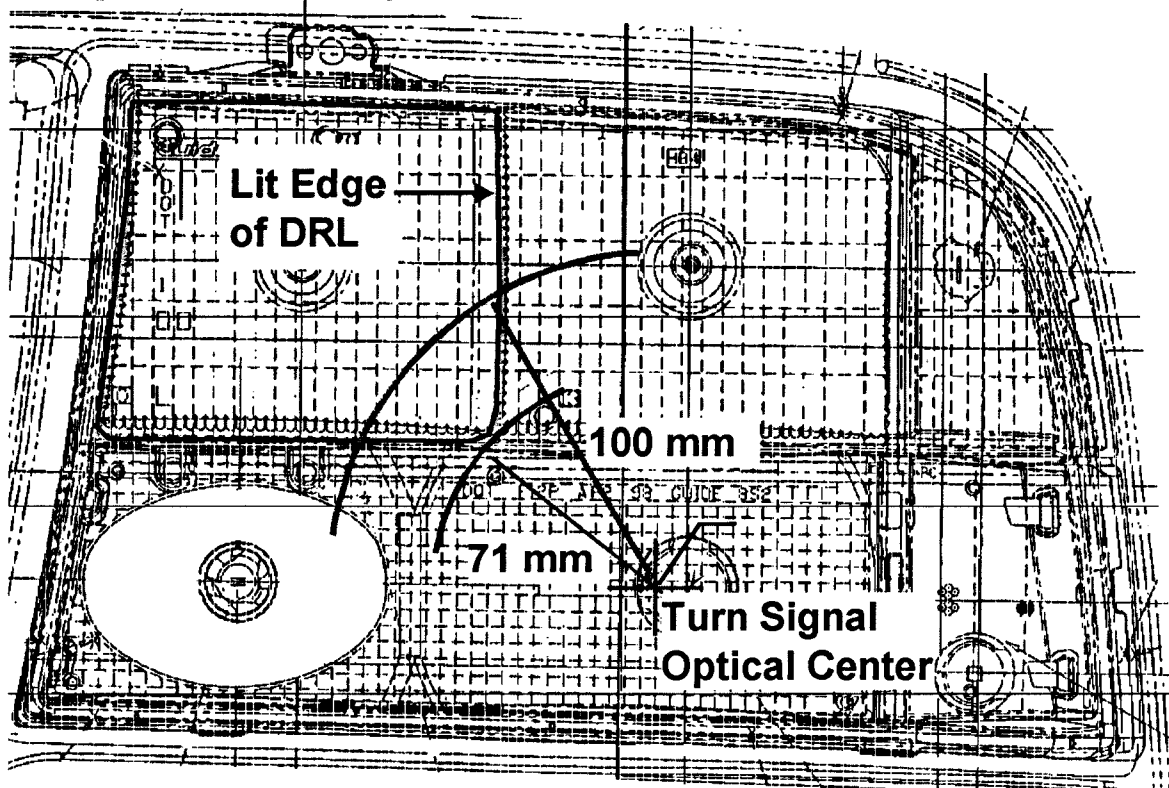
Comment closing date: August 31, 1998.

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

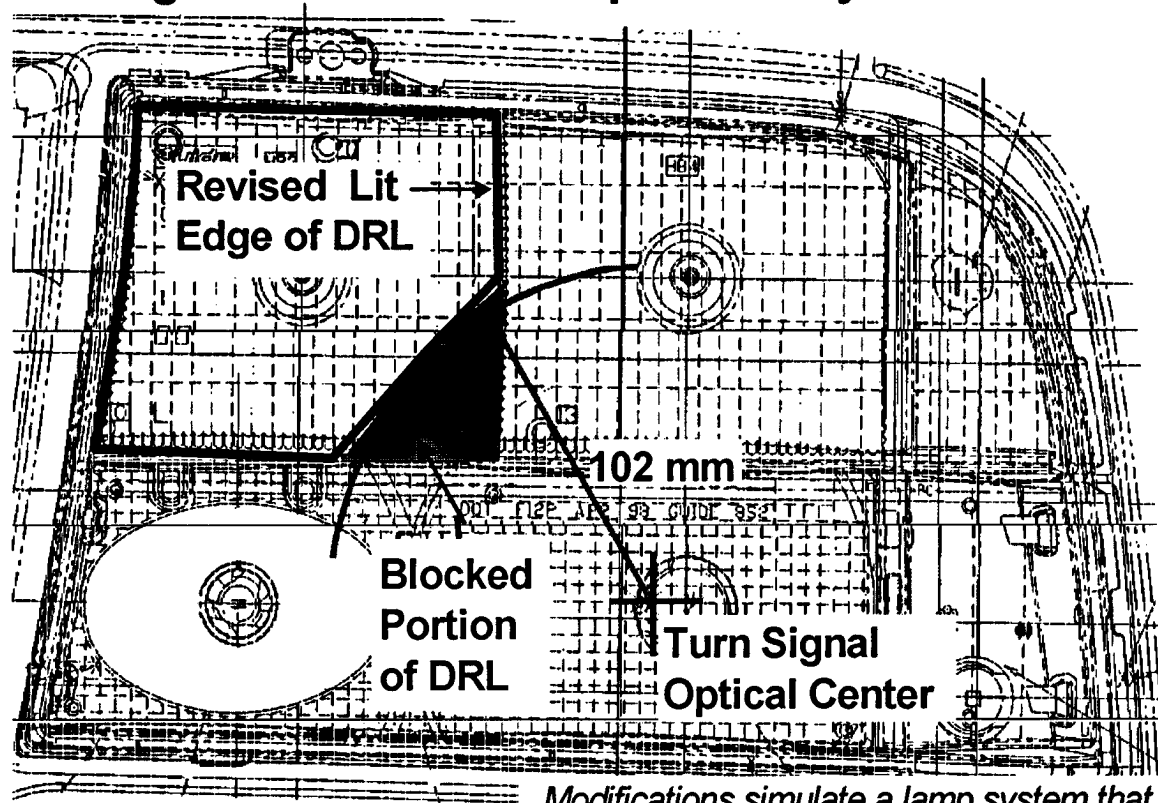
Issued on July 24, 1998.

L. Robert Shelton,
Associate Administrator for Safety
Performance Standards.

BILLING CODE 4910-M

Figure 1: Jimmy, Sonoma, Bravada Lamp Asm.

Measurements not shown to scale

Figure 2: Modified Lamp Assembly

Measurements not shown to scale

Modifications simulate a lamp system that meets the requirements in FMVSS 108

Figure 3: Subjective Evaluation of Turn Signal Visibility