DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5461; Notice 2]

Grant of Application for Determination of Inconsequential Noncompliance With Federal Motor Vehicle Safety Standard 108, Lamps, Reflective Devices and Associated Equipment

General Motors Corporation (GM) determined that some GM 1997 EV1 electric passenger cars fail to meet the turn signal requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108—*Lamps, reflective devices and associated equipment.* Pursuant to 49 U.S.C. 30118 and 30120, GM applied to us for a decision that the noncompliance is inconsequential to motor vehicle safety. In accordance with 49 CFR 556.4(b)(6), GM also submitted a 49 CFR part 573 noncompliance notification to the agency.

We published notice of receipt of application in the **Federal Register** (64 FR 22897) on April 28, 1999. Opportunity was afforded for comments until May 28, 1999, but none were received.

GM stated that the EV1 is equipped with an electronic turn signal module that controls turn signal operation. A subset of the module population can be affected by random inputs that cause the internal timing of the electronic circuit to become un-synchronized. If this occurs, it can cause the left turn signal circuit on affected vehicles to operate improperly and not be in compliance with FMVSS No. 108. The left front turn signal lamp may flash at a rapid rate while the left rear turn signal lamp illuminates but does not flash. These conditions can continue after the turn signal lever automatically returns to the off position, but stop if the driver manually cancels the turn signal or turns the ignition off. The right turn signal is not affected.

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

- The potential for this condition is confined to a very small population of vehicles, 558.
- The condition is not found on every vehicle. Only a subset of vehicles is affected, based on the build variation of the turn signal module.
- GM knows of only eight customers who have reported the condition. The turn signal module in these vehicles has been replaced.
- While GM has not been able to determine the exact percentage of affected vehicles (the anomaly is not readily repeatable in the laboratory, and the small production run has severely limited the number of parts available for testing), the likelihood of experiencing the condition is extremely rare. The worst case part, found in laboratory testing, exhibited the anomaly 16 times in 40,000 cycles (0.0004 times per cycle). Other tested parts did not exhibit the condition as often, or at all.
- The left turn signal does not fail completely. An oncoming driver would see the front turn signal flashing at a rapid rate. A following driver would see the left turn signal lamp on, although it would not be flashing. Both of these results are similar to a vehicle that has a burned-out turn signal lamp.
- Like a vehicle with a burned out lamp, a driver experiencing this condition is alerted that the turn signal system is not functioning properly because the turn signal indicator light does not flash.
- A turn signal with this condition does not self-cancel, but it can easily be canceled manually.
- GM knows of no crashes or injuries associated with this condition.

We have concluded that the few vehicles affected by this noncompliance, as well as the fact that the turn signals show the driver that they have failed, warrant a finding that this noncompliance is inconsequential with regard to motor vehicle safety.

In consideration of the foregoing, we have decided that the applicant has met its burden of persuasion that the noncompliance described above is inconsequential to motor vehicle safety. Accordingly, its application is granted, and GM is exempted from providing the notification of the noncompliance required by 49 U.S.C. 30118, and remedy, required by 49 CFR 30120.

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

Issued on: August 30, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–22919 Filed 9–1–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–4430; Notice 2]

Denial of Application for Decision of Inconsequential Noncompliance; Federal Motor Vehicle Safety Standard 108—Lamps, Reflective Devices, and Associated Equipment

General Motors Corporation (GM), determined that approximately 15,300 1998 GMC Sonoma and Chevrolet S–10 pickup trucks, and GMC Jimmy and Chevrolet Blazer sport utility vehicles, equipped with the ''ZR2'' option package, fail to meet a requirement of Federal Motor Vehicle Safety Standard (FMVSS) 108—Lamps, Reflective Devices and Associated Equipment. Specifically, these vehicles are equipped with daytime running lamps (DRLs) mounted higher than the maximum height allowed by S5.5.11(a)(1)(ii) of FMVSS 108. Pursuant to 49 U.S.C. 30118 and 30120, GM has applied to us, the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential to motor vehicle safety. GM also submitted a 49 CFR part 573 noncompliance notification to the agency in accordance with 49 CFR 556.4(b)(6).

We published a notice of receipt of the application in the **Federal Register** (64 FR 27032) on May 18, 1999. Opportunity was afforded for comments until June 17, 1999. No comments were received.

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 (according to GM). As such, FMVSS 108 requires the DRL be mounted not higher than 34 inches (864 mm) from the road surface. Base-level GMC Sonomas and Jimmys and Chevrolet S–10 pickups and Blazers comply with the DRL height limitation of FMVSS 108. However, the ZR2 option package gives the vehicles a stiffer suspension and larger tires, which results in an overall increase in the height of the vehicle, including the DRL mounting height. The mean mounting height of DRLs on the noncompliant vehicles is 36 inches above the ground, with a maximum height of 37 inches. As a result, they fail to meet S5.5.11(a)(1)(ii) of FMVSS 108.

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

1. Research conducted by the University of Michigan Transportation

Research Institute (UMTRI) on the changes in glare caused by varying mounting height of high beam DRLs confirms that the DRLs on the subject vehicles do not produce significantly more glare than compliant DRLs.

2. In addition to the UMTRI research, GM conducted subjective evaluations that confirmed that the DRLs on the noncomplying vehicles do not cause a consequential increase in glare relative to complying vehicles with lamps at or just below the maximum permitted mounting height.

3. The driver of a preceding vehicle will not see more light in the rearview mirror than NHTSA intended when it adopted the DRL requirements in January, 1993. GM evaluated light from the noncomplying vehicles with the DRL mounted at 37 inches, which is in the most extreme build condition and worst case, for purposes of this analysis. The light from this condition striking a mirror mounted 44 inches above the ground and 20 feet in front of the DRL, would be below the 2,600 candela limit established by the agency in the final DRL rule.

4. The mounting height of the DRLs on the noncomplying vehicles complies with the requirements of Canada Motor Vehicle Safety Standard (CMVSS) 108.

5. GM has not identified any accidents, injuries or warranty reports that are associated with this condition on the noncomplying vehicles.

For all of the above reasons, GM argued that this noncompliance is inconsequential to motor vehicle safety, and applied for a decision that it be exempted from the notification and remedy provisions of 49 U.S.C 30118 and 30120.

We have received hundreds of letters from citizens about excessive glare from headlamp-derived DRLs and particularly upper beam-derived DRLs. Partially in response to those complaints, on August 7, 1998, we issued a proposed amendment to FMVSS 108 to reduce the intensity permitted for DRLs, starting with the upper beam DRLs such as the ones found on these vehicles (63 FR 42348). As we stated in the proposed amendment, we found that the actual intensities of some of these headlamp DRLs on vehicles were as much as 1.35 times the intensities measured when the lamps are photometrically tested in the laboratory—because vehicle voltages up to 14 volts are found on some vehicles (compared to the 12.8 volt lab test voltage). This may help explain why there are so many reports by the public of glare from DRLs.

GM submitted this application after we had issued the 1998 proposed amendments to reduce glare from DRLs and was aware that we consider glare from DRLs, even at legal mounting heights, to be a problem. We recognize that the noncompliance here is due to a small height increase, resulting in relatively small increases in glare, as reported by the test subjects GM used. However, real world experience reflecting potential safety concerns, demonstrates that an unprecedented number of citizens are complaining of glare from DRLs. We believe therefore, that manufacturers should be held to the existing location requirements so as not to exacerbate the problem of glare. The DRL intensity requirements in existence since February 10, 1993, were a significant relaxation (i.e., increase in intensity) from that originally proposed on August 12, 1991 (56 FR 38100). Even then, DRL glare was an important issue. Today, public concerns have caused NHTSA to re-examine the intensity limits for DRLs. Given these circumstances, we cannot find that a noncompliance that increases DRL glare is inconsequential to safety. This application is therefore denied.

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

Issued on August 30, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–22938 Filed 9–1–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. BTS–99–5696]

Agency Information Collection Activity Under OMB Review; American Travel Survey

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that BTS has forwarded the Information Collection Request for the American Travel Survey (ATS) to the Office of Management and Budget (OMB) for review. The ATS provides information on the travel patterns of the American public and how travel is changing over time. On May 21, 1999, BTS published a **Federal Register** notice proposing this submission and asking for public comment (64 FR 27852). BTS did not receive any comments in response to that notice.

DATES: Please submit comments by October 4, 1999.

ADDRESSES: Please send comments to both (1) the Office of Information and Regulatory Affairs (OIRA), OMB, 725 17th Street, NW., Washington, DC 20503, attention: DOT Desk Officer; and (2) the Docket Clerk, Docket No. BTS–99–5696, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590. Comments must include the OMB Control Number, 2139-new.

If you wish to file comments to DOT using the Internet, you may use DOT's Dockets Management System website at http://dms.dot.gov. Please follow the instructions online for more information. This website can also be used to read comments received.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Contrino, Office of Statistical Programs and Services, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590, phone: (202) 366–6584, fax: (202) 366–3640, heather.contrino@bts.gov.

SUPPLEMENTARY INFORMATION:

Title: American Travel Survey (ATS).

OMB Control Number: 2139-New.

Type of Request: Reinstatement of expired information collection.

Form: American Travel Survey.

Abstract: Under 49 U.S.C. 111, BTS is authorized to and responsible for collecting data related to the performance of the nation's transportation systems. The American Travel Survey provides data on the interregional flows of passenger travel. BTS and DOT will use the information to analyze the volumes and patterns of travel, the safety risks associated with travel, the role of travel in economic productivity, and the accessibility of transportation services. The data are also used in a number of ways by other Federal agencies, State and local governments, transportation-related associations, private businesses, and consumers to better understand the amount and nature of personal travel by the American public.

Estimated Annual Burden Hours: The estimated burden is 33,816 hours annually.

Public Comments Invited

BTS requests comments regarding any aspect of this information collection, including, but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of the Bureau of Transportation Statistics; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and