

The petitioner notes that many manufacturers had installed such key-locking systems in vehicles with automatic transmissions prior to the September 1, 1992, effective date of the amendment. The petitioner argued that for reasons of cost and possibly other considerations, Chrysler elected to limit the installation of such key locking systems to vehicles in which the transmission shift lever was mounted on the steering column. Chrysler-manufactured vehicles with the gear selector lever installed in a center-floor console were not equipped with such a key lock system prior to model year 1993.

The petitioner contends that Chrysler failed to adequately warn owners of the subject vehicles with floor-mounted transmission shift levers that removal of the ignition key from the ignition switch did not indicate that the transmission had been locked in the "Park" position. Because of this alleged failure to provide "adequate warning" of this design characteristic, the petitioner claims that operators of the subject vehicles were led to believe in error that self-mobility of the vehicle was impossible once the key had been removed from the ignition switch. The petitioner also alleges that incidents of unpowered vehicle rollaway had resulted in accidents and injuries.

While the petitioner presented examples of incidents where unintended rollaways had occurred in 1984-1991 Chrysler vehicles equipped with automatic transmissions and floor mounted shifters, the petition does not set forth any facts establishing that Chrysler vehicles differed either in design or performance from other vehicles that allowed removal of the ignition key without placing the transmission in the "Park" position. Also, as noted above, the petition does not allege that the involved vehicles presented a safety hazard stemming from a component or system failure.

The petitioner asks that Chrysler be ordered, under the notification and remedy provisions of the Act, to provide notification together with a readily visible warning that the subject vehicles can, in fact, roll away when unattended if the transmission is not properly shifted into the "Park" position, even though the ignition key has been removed.

The petitioner recognized that such an advisory appears in the LeBaron owner's manual:

Note: A console mounted shift lever can be moved out of PARK after the ignition key has been removed. Therefore, it is very important that children left in the vehicle be cautioned against touching the shift lever. Also, the

parking brake should be fully applied before leaving the vehicle, especially when parked on an incline.

A principal point of the petitioner's request is that the "Note" as stated above, does not provide "adequate warning." The petitioner cited testimony during the trial in which a human factors expert stated that the "Note" does not constitute a warning, and that it makes no mention of the fact that the key can be removed from the ignition even if the transmission is not in the "Park" position. The petition also cites the presence of a larger number of warnings contained in the owner's manual for 1990 Ford Mustang vehicle equipped with a floor mounted shifter allowing removal of the key without the transmission placed in "Park."

Petitioner alleges that these warnings are more effective in that they provide more specific advice about the characteristics of the shift lock and the potential for unintended rollaway. Petitioner does not, however, present any data suggesting that these warnings are more effective than those contained in the Chrysler owner's manual.

The petitioner has submitted a detailed presentation of his request, as well as the reasons therefor. Notwithstanding this presentation, however, NHTSA does not believe that it would be appropriate to grant the petition. The park lock system found on the Chrysler vehicles that are the subject of this petition was not unique. Manufacturers other than Chrysler also produced vehicles during this time period in which the key could be removed without locking the transmission in "Park." Petitioner has not produced any evidence or information suggesting that the Chrysler vehicles created a higher risk to safety than these similar vehicles. While it is the agency's position that existing Federal motor vehicle safety standards are minimum performance benchmarks and that compliance with these standards does not preclude the agency from deciding that a safety-related defect exists, the vehicles in question complied with the requirements of FMVSS No. 114 as they existed at the time they were manufactured. The later promulgation of an amendment to this Standard to address the hazard of unintended rollaways caused by failure to place the transmission in "Park" or movement of the shift lever in an unattended parked vehicle does not establish that earlier designs were defective, but reflects the conclusion that existing designs can be improved. The evidence presented by the petitioner does not indicate that the

design presents a safety-related defect under the Act. Thus, after considering all of the issues raised by this petition; and recognizing the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

Authority: 49 U.S.C. 30162(a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 3, 1995.

Michael B. Brownlee,

Associate Administrator for Safety Assurance.

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DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that the annual meeting of the Department of Veterans Affairs Voluntary Service National Advisory Committee will be held at the Holiday Inn—Mart Plaza, 350 North Orleans Street, Chicago, Illinois, October 25 through 28, 1995. The meeting begins with participant registration at 8 a.m. on October 25 and concludes at 12 Noon on October 28. The meeting is open to the public.

The committee, comprised of fifty-five national voluntary organizations, advises the Under Secretary for Health and other members of the Department of Veterans Affairs Central Office staff on how to coordinate and promote volunteer activities within VA facilities. The primary purposes of this meeting are: to provide for committee review of volunteer policies and procedures; to accommodate full and open communications between the organizations, representatives and the Voluntary Service Central Office and field staff; to provide educational opportunities geared towards improving volunteer programs with special emphasis on methods to recruit, retain, motivate and recognize volunteers; and to approve committee recommendations.

For further information, contact the Director, Voluntary Service Office (167), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420, (202) 565-7405.

Dated: August 13, 1995.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

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