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.

[FR Doc. 96–32030 Filed 12–17–96; 8:45 am]

BILLING CODE 4910–59–P

[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

on this point were outside of the requirement by .002″ and .005″ respectively. This small deviation from the minimum limit is not material to any safety issue based upon PLC's experience with measurement of completed headlamp assemblies, which demonstrates that a deviation of this type and magnitude, will not affect safety. In fact, the condition is detectable only under precise testing conditions and is not even detectable by visual examination. The most likely consequence of the discrepancy—a problem with headlamp aim/beam quality—is more likely to be affected by other conditions, such as foreign debris (which can accumulate on seating plane surfaces during installation), automobile loading (a full trunk can significantly affect automobile alignment and alter headlamp aim), dirty headlamp lenses or weathering of headlamp lenses than by the failure to comply precisely with the standard. This may explain why PLC has not received any complaints from end users or state inspection agencies concerning conditions related to this deviation from the standard.

''Dimension V, Figure 3–1: This dimension defines the length of the 9004 replacement lamp electrical terminals (pins). The terminals on some test lamps were found to be slightly below the minimum length requirement. However, all test lamps functioned properly and made good electrical contact with the automobile lighting system connectors. The electrical connectors locked in place as designed and no difficulty was encountered with installation or electrical operation. This noncompliance does not affect lamp operation or performance (i.e., aim or beam quality) and is thus inconsequential and not safety-related. Again, PLC has not received any complaints from any party concerning conditions related to this deviation from the standard.

''Dimension F, Figure 3–3: The ''F'' dimension defines the location of the terminal cavity in relation to the centerline of the lamp. Some test lamps had terminal cavities that were from .002″ to .012″ below the minimum specification for location. The cavity size (opening) is within specification limits in all respects. The automobile lighting system electrical connector fits into the cavity freely and locks in place as designed. This noncompliance does not affect headlamp system performance in any way (i.e., aim or beam quality), and PLC has not received any complaints from any party concerning conditions related to this deviation from the standard. Thus this deviation also has no adverse effect on safety and is inconsequential.

''Dimension J, Figure 3–3: This dimension defines the location of the lower electrical terminals (pins) in relation to the lamp centerline. One of the test lamps measured slightly above the upper specification limit for this characteristic. Since the ''R'' dimension and ''S'' dimension on the same lamp are within limits, the noncompliance could be related to measurement error or handling damage. However, all test lamps functioned properly and made good electrical contact with the automobile lighting system connectors. The electrical connectors locked in place as designed and no difficulty was encountered with installation or electrical operation. This noncompliance also does not affect lamp operation or performance (i.e., aim or beam quality), and PLC has not received any complaints from any party concerning conditions related to this deviation from the standard. This deviation also has no adverse effect on safety and is inconsequential.

''Bulb Deflection, Figure 3–8: PLC understands that the bulb deflection criteria for the 9004 replacement headlamp bulb are included in the FMVSS No. 108 to ensure that bulbs which are handled by automated or robotic insertion equipment are strong enough to withstand the stresses that such equipment may put on the bulb. PLC agrees that deflection criteria for bulbs inserted by automated/robotic equipment are necessary and the criteria defined by FMVSS No. 108 are reasonable for bulbs that are inserted by automated/robotic equipment. However, because PLC currently furnishes 9004 replacement headlamp bulbs for aftermarket use only, all 9004 replacement bulbs that PLC furnishes are installed by human beings. Manual insertion of the 9004 replacement bulb does not pose a risk that permanent deflection will result because of the much lower forces that are exerted on the bulb when robotic insertion is not involved.''

''When inserting a replacement bulb into the headlamp housing the glass bulb is placed through an opening in the back of the reflector which is approximately two times larger than the bulb diameter. During manual insertion, little to no force is placed on the glass bulb. Force during manual insertion is placed on the plastic base and not the glass bulb. Nor are there other sources of stress that can cause deflection of the bulb. Common road hazards such as large potholes cannot cause sufficient force to equal that required to permanently deflect the bulb (which is also called a ''burner'') * * *. While the bulb is in the headlamp housing, unacceptable permanent deflection can be caused only by force equal to that which would be experienced in a high speed collision. No bulbs exhibited deflection or distortion prior to the test or after manual insertion, confirming that this noncompliance is inconsequential and does not constitute a potential safety hazard for bulbs furnished to the aftermarket. PLC has not received any complaints from any party concerning conditions related to this deviation from the standard.''

SAE Tolerances: PLC notes that the 1996 edition of the Society of Automotive Engineers (SAE) Ground Vehicle Lighting Standards Manual, specifically HS–34, provides for greater dimensional tolerances than those contained in FMVSS No. 108. At least two of those tolerances are relevant to PLC's Petition for Exemption, as they involve two of the dimensions for which PLC's 9004 replacement bulbs do not comply with FMVSS No. 108:

Dimension	FMVSS No. 108 Tol.	SAE Tol.
V (Fig. 3–1)	+/− 0.10 mm ..	+/− 0.50 mm.
F (Fig. 3–3)	+/− 0.10 mm ..	+/− 0.15 mm''.

Interested persons are invited to submit written data, views, and arguments on the application of PLC, 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, D.C., 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 and 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.

[FR Doc. 96–32029 Filed 12–17–96; 8:45 am]

BILLING CODE 4910–59–P