

The motor vehicle equipment in issue are Accu-Forge 22.5 & 24.5×8.25 inch 15° Drop Center, One-piece, Tubeless Aluminum Dual Wheels, produced by Kaiser Aluminum and Chemical Corporation at its Erie, Pennsylvania, forging plant and machined at Ultra Forge, Inc. at Cuyahoga Falls, Ohio, were misstamped on the marking of the rim. The symbol "DOT" and the designation which indicates the source of the rim's published nominal dimensions, in this case "T" were not included. All other stampings specified by FMVSS 120 and by Accuride, including the part number and the loading rating, were correctly stamped on the product.

Accuride provides the following information in support of its petition:

"1. Accuride Corporation is a Delaware corporation and is a subsidiary of Phelps Dodge Corporation. Accuride is headquartered in Henderson, Kentucky and is a major manufacturer of truck rims and wheels.

"2. The motor vehicle equipment in question are a small number of Accu-Forge 22.5 & 24.5×8.25 inch, 15° drop center, one-piece tubeless dual wheels produced by Kaiser Aluminum and Chemical Corporation at its Erie, Pennsylvania forging plant and machined at Ultra Forge, Inc. in Cuyahoga Falls, Ohio. In issue are an estimated 478 of the total 1,256 wheels of this size produced between January 6, 1997 and January 10, 1997. Six wheels manufactured December 23, 1996 were also stamped during this time frame. The non-compliance relates to the mis-stamping of the marking of the rim. The symbol "DOT" and the designation which indicates the source of the rim's published nominal dimensions, in this case "T", were not included. All other stampings and markings required by FMVSS 120 and Accuride, including the part number and load rating, are correctly identified on each of the components in questions.

"3. The rim marking is for information only and there is no safety-related issue potentially arising from the exclusion of these symbols on the wheels."

Interested persons are invited to submit written data, views, and arguments on the application of Accuride, 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: April 7, 1997.

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

Issued on: March 3, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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[Docket No. 97-113; Notice 1]

General Motors Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain of its 1996 J/L/N model cars fail to comply with the requirements of 49 CFR 571.101, Federal Motor Vehicle Safety Standard (FMVSS) No. 101, "Controls and Displays," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Information Report." GM has also applied 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.

This notice of receipt of an application is published under 49 CFR Part 573 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.3.5 of FMVSS No. 101 requires that sources of illumination forward of a transverse vertical plane 4.35 inches rearward of the manikin "H" point, with the driver's seat in its rearmost driving position, that are not used for controls and displays, are not a telltale, and are capable of being illuminated while a vehicle is in motion, have either (1) light intensity which is manually or automatically adjustable to provide at least two levels of brightness, (2) a single intensity that is barely discernible to a driver who has adapted to dark ambient roadway conditions, or (3) a means of being turned off.

The purpose of this requirement is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

GM's description of the non-compliance follows:

"*Vehicles involved:* Certain of these 1996 makes and models (with estimated number of cars): Chevrolet Cavalier and Pontiac Sunfire (J cars) coupes and convertibles from start of production to January 16, 1996 (115,351 cars); Pontiac Grand Am, Oldsmobile Achieva, and Buick Skylark (N cars) from start of production to October 31, 1995 (74,902 cars); and Chevrolet Corsica and Chevrolet Beretta (L cars) from start of production to November 13, 1995 (61,738 cars).

Noncompliance: "These vehicles are equipped with interior lights that illuminate when a door is opened or when the driver activates a switch. Power to the lights is turned on and off by a control module, rather than by direct action of the door or light switches. One of the parts in the control module is a field effect transistor (FET).

"Because of manufacturing variances in the FETs, the condition of the FET in some modules, in combination with the programming of the module, can cause a situation where the module will not turn on the lights when the door is opened. Five minutes later, there is a fifty percent chance that the lights will turn on. If that does not happen, there is an increasing chance at ten, fifteen, twenty, twenty-five, and thirty minutes that the lights will turn on. If the lights are turned on at one of those five minute increments, they will then remain on for up to thirty minutes, unless the fuse is removed to cut power to the module. Moving the light switch or ignition to "off" will not cause the module to turn off the lights.

"In August 1995, GM found on 1996 N car in which the interior lights failed to turn on when a door was opened. In September, GM determined the cause of the problem and its supplier of FETs began inspecting 10% of them. In October, GM started its own screening of all incoming FETs. In January 1996, GM learned of and began investigating the potential for the lights to come on and stay on.

"Even in the affected cars, this condition is intermittent. The incidence is higher during cold weather and in vehicles with interior light configurations that place a higher load on the circuit.

"This table identifies the lights in these vehicles that are forward of a transverse vertical plane 4.35 inches rearward of the mannequin "H" point with the driver's seat in its rearmost driving position:

Chassis	Body type and options	Dome lamp	Map lights in rearview mirror	Footwell lamps
J	Coupe	X	.....	.....
N	Coupe and GT w/sunroof .....	.....	X	.....
	Convertible .....	.....	X	.....
L	Base trim .....	.....	.....	X
	Uplevel trim	X	.....	X
	With sunroof .....	.....	X	X
	All .....	.....	.....	X

“Based on GM’s examination of cars and modules, no more than 9.5% of the vehicles with modules built before 100% inspection of FETs began have a FET that could lead to this problem.

“Field experience indicates the actual incidence is much lower. Within the total estimated population of 251,991 cars that are potentially affected, GM has paid for replacement of the modules in just under one percent (2,464) under warranty (through October 31, 1996). For cars with modules made after the 100% inspection of FETs began, the rate is about 0.5%. Because the module performs several functions, there are other unrelated malfunctions that could lead to replacement of the module and, absent the FET problem, the rate of warranty replacements for cars of comparable age is 0.3%. Therefore the rates attributable to the FET estimated to be approximately 0.7 and 0.2% respectively.

“GM has received no reports of accidents or injuries related to this condition.

“To help assess the magnitude of the interior light during nighttime driving, GM measured the luminance values (light on windshield surface) from the driver’s eye position in representative vehicles, with the exterior lights on (low beam) and with the interior lights both off and on. The test setup is shown in Attachment B.”

“The measurements were made in a darkened laboratory with a flat black surface ten feet ahead of the cars. A white paper target was placed on the windshield, so that the total light impinging on the windshield was measured, not just what was reflected from the glass surface. The instrument panel illumination was at the maximum setting. A Minolta Luminance Meter, Model LS-1200 (range:0.001 to 299900 cd/m²), was used.

“These values are in foot-lamberts and are the average of two readings for each car:

Car	Interior lights off	Interior lights on
J coupe with sunroof	.03	.16
N coupe with sunroof	.03	.16

Car	Interior lights off	Interior lights on
J convertible .....	.05	.12
N with base trim .....	.05	.23
J coupe .....	.03	.21
N with uplevel trim ....	.04	.38
L .....	.07	.14
Average .....	.04	.20

“Attachment C shows the range of luminance levels for human vision and the zones of photopic, mesopic, and scotopic vision. Adaptation occurs when the luminance changes from one zone to another. The levels with the interior lights both off and on within the mesopic (“rod and cone”) zone.” [Attachments B and C are on file with the application in NHTSA’s Docket Room.]

GM supported its application for inconsequential noncompliance with the following:

“1. Driving in total darkness, with no lights from other vehicles, no street lighting, and no light from buildings is the worst case, but it is also infrequent. Daylight is half of the day, but only 18.3% of vehicle trips and 20.2% of vehicle miles occur from 7:00 p.m. through 6:00 a.m. (From 1990 NPTS Databook, Nationwide Personal Transportation Survey, vol. II, figure 5.27). Based on 1993 data from the Federal Highway Administration, 1.045 billion of the annual 1.623 billion passenger car miles traveled were on “urban” roads, streets, and highways (from Highway Statistics 1993, Table VM-1).

“2. As measured in GM’s test, the change in luminance level that a driver would experience is small and, significantly, does not cross one of the adaptation boundaries.

“3. Glare is an undesirable, but inevitable feature of night-time driving and drivers can successfully adapt to it. A recent report for NHTSA by Jan Theeuwes and John Alferdinck, The Relationship Between Discomfort Glare and Driving Behavior, DOT HS 808 452 (1996), shows that adaptation includes driving more slowly and investing more effort. Major sources of glare include the lights of other vehicles, street lights, and

lights on building, parking lots, signs, and billboards adjoining streets and highways. The headlights of a nearby vehicle can easily be many times brighter than any of these interior lights.

“4. On some of these cars, the only affected lights are in the footwells, below the instrument panel. While they are in the area covered by the standard, they are not in the driver’s forward field of view and, as a matter of common sense, are less likely to be a source of troublesome glare. On other cars, map lights mounted in the rearview mirror assembly are involved. These lights point downward and are also much less likely to be a source of troublesome glare.

“5. This condition cannot occur in 90.5% of the cars. Field data shows that the actual incidence is much lower.

“6. Many drivers will be alerted to the presence of a problem because they will notice that the interior lights are not on when they enter their cars. Because the absence of interior lights when entering the cars at night is an inconvenience, drivers will be likely to return the cars to dealers for repair. Many cars are likely to be repaired before the driver experience illumination of the interior lights during night-time driving.

“7. GM has received no reports associating this condition with any kind of an accident or injury.

“To reach the worst case condition, several low probability events have to coincide—the car has to be one of the 9.5% potentially affected, the car has to be driven at night, the illumination from external sources must be unusually low, and the condition must manifest itself. Further, even if this series of unlikely events occurs, data indicate the driver should be able to successfully adapt to the increased light, as he/she does on a regular basis to other sources of light. Therefore, because the expected coincidence of these events is extremely low and the effects on the driver are minimal; this condition is inconsequential to motor vehicle safety.”

Interested persons are invited to submit written data, views, and arguments on the application of GM,

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: April 7, 1997.

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

Issued on: March 3, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-5719 Filed 3-6-97; 8:45 am]

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[Docket No. 96-119; Notice 2]

Michelin North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Michelin North America, Inc. (Michelin) of Greenville, South Carolina, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars." The basis of the petition is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on November 22, 1996, and an opportunity afforded for comment (Vol. 61, No. 227, CFR 59487).

Paragraph S6.5, Tire markings, of Standard No. 119, requires that tires be marked on each sidewall with specific information. The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, the markings shall appear between the bead and a point one-half the distance from

the bead to the shoulder of the tire, on at least one sidewall.

Michelin's description of non-compliance follows:

"During the period of the 48th week of 1995 through the 1st week of 1996, the Opelika, Alabama, plant of Uniroyal Goodrich Tire Manufacturing, a division of Michelin North America, Inc., produced tires with the markings required by 49 CFR 571.119 S6.5 (f) and (g) marked only on one side of the tire. Additionally, on the same side of the tire as the missing information, the word "Radial" as required by S6.5(i) appears above the maximum section width instead of between the maximum section width and the bead. However, all marking on the opposite side of the tire meets the requirements of S6.5. Furthermore, all performance requirements of FMVSS #119 are met or exceeded.

"Approximately 1,041 LT245/75R16 Uniroyal Laredo LTL LR E tires were produced without the aforementioned information on one sidewall of the tire. Of this total, as many as 559 were shipped to an Original Equipment Vehicle Manufacturer or to the replacement market. The remaining 482 tires have been isolated in our warehouses and will be brought into full compliance with the marking requirements of FMVSS #119 or scrapped."

Michelin supported its application for inconsequential noncompliance with the following:

"[Michelin] does not believe that this minor error on the one tire sidewall will impact motor vehicle safety:

"1. The marking of number and composition of ply cord material required by S6.5(f) is contained on one side of the tire instead of both sides. When previously granting a petition for inconsequential noncompliance (see e.g., Bridgestone, IP82-8, 47 FR 51269, November 12, 1982) NHTSA has concluded that ". . . the number of plies, and the composition of the ply material had an inconsequential relationship to motor vehicle safety . . ." and has stated that ". . . the failure to state the number of plies and composition of ply material is an informational failure and does not affect the ability of the tires to meet the performance requirements . . ."

"2. The absence of the word "tubeless" on one tire sidewall (as required by S6.5(g) for both sidewalls) will not impact motor vehicle safety since it is merely an informational failure on one sidewall and does not impact tire performance. The tires in question are only produced in a "tubeless" configuration. However, should these tires be mounted with a tube, performance of the tires would be perfectly satisfactory.

"3. The word "radial" on one sidewall of the tire appears above the maximum section width instead of between the bead and maximum section width. Again, this does not affect the ability of the tire to perform. Additionally, the "R" located in the size designation LT245/75R16 which is marked between the bead and sidewall is recognized by the International Standards Organization, the Tire and Rim Association, the Rubber

Manufacturers Association and others, including the general public, as being the standard designation for a radial tire. Thus it would be obvious to anyone looking at either sidewall of this tire that it was indeed a radial tire."

No comments were received on the application.

Michelin has acknowledged noncompliance in manufacturing approximately 1,041 LT245/75R16 Uniroyal Laredo LTL FR E tires at the plant of Uniroyal Goodrich Tire Manufacturing, a division of Michelin North America, Inc.. The tires in question were produced with specified tire markings on only one tire sidewall instead of both tire sidewalls as the Standard requires. Also, the word "Radial" appears on the tire sidewall in a location not specified by the Standard.

Safety Performance Standards agrees that the noncompliance reported by Michelin is inconsequential to motor vehicle safety. The informational tire markings that appear on the tire sidewall meets the requirements of the Standard. Absence of this information on both tire sidewalls will not affect the performance of the tire or compromise motor vehicle safety.

Michelin has assured the agency that if a decision is made to bring the remaining 482 tires into compliance, an after-branding procedure used throughout the tire industry known as "hot branding," will be used to bring the tires into compliance. This branding procedure will not affect the performance of the tires or compromise motor vehicle safety.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and the agency grants Michelin's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 3, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

February 25, 1997.

The Department of Treasury has submitted the following public