

Issued on: July 14, 1999.

Michael J. Vecchiatti,
Director, Office of Information and
Management Services.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-4973; Notice 2]

Nissan Motors Corp. U.S.A.; Grant of Application for Decision of Inconsequential Noncompliance

Nissan Motor Corporation U.S.A. (Nissan) of Gardena, California, has determined that some of its vehicles fail to meet the display requirements of paragraph S3.1.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 102, "Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect," and has filed an appropriate report pursuant to 49 CFR part 573, "Defects and Noncompliance Reports." Nissan 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.

A notice of receipt of the application was published in the **Federal Register** (64 FR 3739) on January 25, 1999. Opportunity was afforded for public comment until February 24, 1999. No comments were received.

Under S3.1.4.1 of FMVSS No. 102, if a vehicle's transmission shift lever sequence includes a park position, identification of the shift lever positions (including the positions in relation to each other and the position selected) shall be displayed in view of the driver under two conditions: if the ignition is in a position where the transmission can be shifted, or if the transmission is not in park.

From September 1997 to August 1998, Nissan produced approximately 22,000 Frontier trucks that use an electronic display in the instrument panel to indicate transmission gear position. In these vehicles, when the ignition key is in either the "OFF" or "ACCESSORY" position, the selected gear position is not displayed. "OFF" refers to the range of movement of the ignition key between the "LOCK" and "ACCESSORY" positions. The gear selector lever can be moved while the ignition switch is in "OFF" or "ACCESSORY." There is no detent for "OFF" as the key is rotated nor is

"OFF" labeled on the ignition switch. There is a detent for "ACCESSORY" and it is labeled on the ignition switch. Nissan states that the affected vehicles comply with all other requirements of FMVSS No. 102.

Nissan supports its application for inconsequential noncompliance with the following statements:

The situation involving the Frontier trucks is essentially the same as that described in an inconsequentiality petition filed by General Motors Corporation in 1993 and granted by NHTSA. See 58 FR 16735, March 30, 1993 and 58 FR 33296, June 16, 1993. The petitioner in that matter stated that, on certain of its vehicles, the PRNDL display would not be illuminated if the transmission was left in a position other than "PARK" when the ignition key was turned "OFF." The petitioner noted that the vehicles in question complied with FMVSS 102 during normal ignition activation and vehicle operation. In that matter, NHTSA concluded that since the noncompliance did not occur during times that the affected vehicles were operated, "the noncompliance presents no discernible threat to safety." See 58 FR 33297.

As NHTSA noted in proposing the current version of the standard (49 FR 32409, August 25, 1988), the purpose of the display requirement is to "provide the driver with transmission position information for the vehicle conditions where such information can reduce the likelihood of shifting errors." In all but the rarest circumstances, the primary function of the transmission display is to inform the driver of gear selection and relative position of the gears while the engine is running.

In the case of the Nissan trucks, the selected gear position and PRNDL display are always visible when the engine is running. The selected gear position is not shown in the instrument panel electronic display if the engine is turned off. If the ignition key is rotated to the "ON" position, the selected gear position immediately illuminates. If the transmission is in "PARK" and the engine is started, the selected gear position becomes immediately visible.

If the driver seeks to start the truck when the transmission is not in the "PARK" or "NEUTRAL" position, ignition would be impossible, as required under FMVSS 102. As soon as the ignition key is rotated to the "ON" or "START" position, the selected gear would become immediately apparent as the display is illuminated under these conditions. This means that the engine will only start under the condition that the PRNDL and selected gear position are visible to the driver.

Because the movement of the shift lever to place the transmission in "PARK" is the same on all vehicles using a column-mounted shift lever, that is, pulled toward the driver and then moved all the way to the left, most drivers do not rely on the PRNDL display to ensure the transmission is in "PARK." This means that it is highly unlikely a driver attempting to place the transmission in "PARK" would fail to do so

even if the gear position was not visible on the PRNDL display.

If the driver were to attempt to remove the key before exiting the vehicle while erroneously believing that the transmission is in "PARK" (with the ignition key being in the "OFF" or "ACCESSORY" position), it would be impossible to remove the key from the ignition. This would alert drivers that the transmission was not in "PARK" and cause them to put it in "PARK" so that they could remove the key. If the driver opens the door before attempting to remove the key, the FMVSS 114 audible warning would sound when the door is opened, providing further indication of the improper gear selection. As stated by NHTSA, exiting the vehicle in these circumstances "would be limited to the rare situation." See 54 FR 29042, 29044 (July 11, 1989).

Nissan believes that the theoretical risk of one of the subject vehicles rolling away after the driver exits the vehicle because they failed to place the transmission in "PARK" and/or to engage the parking brake while leaving the key in the ignition switch in the "OFF" or "ACCESSORY" position so that the selected gear is not displayed in the PRNDL is no higher than in a vehicle in which the PRNDL display is working properly.

Although there may be rare circumstances when it would be useful to know the gear position when the engine is off, this information is provided by the shift lever position. Moreover, the electronic display can be illuminated simply by turning the key to the "ON" position. As noted above and as stated in the final notice granting the General Motors petition, "in all but the rarest circumstances, the primary function of the PRNDL display is to inform the driver of gear selection and relative position of the gears while the engine is running." See 58 FR 33297.

The gear selector lever on these trucks cannot be moved from the "PARK" position if the key is not in the ignition switch. Therefore, the fact that the selected gear is not displayed in the PRNDL with the ignition key in the "OFF" or "ACCESSORY" position has no relevance when the key is not in the switch.

Nissan has no record of any customer complaint or accident report that could be associated with or attributed to this condition.

We have reviewed the application and agree with Nissan that the noncompliance is inconsequential to motor vehicle safety. Because all of the approximately 22,000 vehicles comply with the display requirements of FMVSS No. 102 during normal ignition activation and vehicle operation, the vehicle's ignition would have to be in the "OFF" or "ACCESSORY" positions for the noncompliance to occur. Of these two positions, "OFF" has no detent, but "ACCESSORY" does. Because "OFF" has no detent position,

we agree with Nissan that it is highly unlikely that a driver would actually leave the ignition in this position.

The only situations in which the noncompliance would affect the vehicle operator would be if the operator turns the ignition switch to the "OFF" or "ACCESSORY" position without the transmission being placed in the "PARK" position. In this situation, the operator would not be able to remove the key from the ignition due to the transmission shift interlock. We agree with Nissan that, if this situation occurs, only two scenarios are possible. The operator will exit the vehicle without the key or the operator will remain in the vehicle.

In the first situation, if the operator attempts to exit the vehicle without the key, an audible warning, as required in FMVSS No. 114, will sound, alerting the operator that the key is in the ignition. We believe that the audible warning signal requirement of FMVSS No. 114 should reduce the possibility of the operator leaving the vehicle without the key.

In the second situation, if the driver remains in the vehicle, he or she will attempt to restart the vehicle. However, the engine cannot be started if the vehicle's transmission is not in the "PARK" position. But, since turning the ignition forward to the "ON" position will activate the PRNDL display, the operator will be alerted that the transmission is not in the "PARK" position.

Further, as Nissan points out, we granted a similar application from General Motors Corporation (GM) in 1993 (58 FR 33296). In this case, certain GM vehicles were found to be out of compliance with the display requirements of FMVSS No. 102, namely, the PRNDL displays on the subject GM vehicles would not be illuminated if the transmission was left in a position other than "PARK" when the ignition was in the "OFF" position. We did conclude that, because the noncompliance did not occur during times of operation, "the noncompliance presents no discernible threat to safety."

In view of the arguments offered by Nissan, we do not deem this noncompliance to be a serious safety problem warranting notification and remedy. Accordingly, we have decided that the applicant has met its burden of persuasion that the noncompliance it described above is inconsequential to motor vehicle safety. Therefore, its application is granted and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118 and from

remediating 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 14, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-18309 Filed 7-16-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub.L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning its streamlining surveys of prior CDFI Fund applicants and awardees.

DATES: Written comments should be received on or before September 17, 1999 to be assured of consideration.

ADDRESSES: Direct all comments, in writing, to the Director, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005, Facsimile (202) 622-7754.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed, in writing, to the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005, or by calling (202) 622-8662.

SUPPLEMENTARY INFORMATION:

Title: Streamlining Surveys.

OMB Number: 1505-0171.

Abstract: The Fund continually seeks to improve its processes and procedures so that it may better meet the needs of CDFI Fund applicants while minimizing the burden on applicants and Fund staff. To assist in this effort, each year the Fund will send out one or more brief

surveys to a sample of applicants and/or awardees to get their feedback on particular Fund programs.

Current Actions: The Fund is in the process of improving the application process to the Core and Intermediary Components of the CDFI Program. The Fund is sending surveys to past applicants and awardees for comments regarding the process.

Type of review: Extension with change.

Affected Public: Community development financial institutions, insured depository institutions, microenterprise organizations and organizations that provide support to microenterprise organizations.

Estimated Number of Respondents: 60.

Estimated Annual Time Per Respondent: 0.5 hours.

Estimated Total Annual Burden Hours: 30 hours.

REQUESTS FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 12 U.S.C. 4703, 4718; chapter X, Pub.L. 104-19, 109 Stat. 237 (12 U.S.C. 4703 note).

Dated: July 13, 1999.

Maurice A. Jones,

Deputy Director for Policy and Programs, Community Development Financial Institutions Fund.

[FR Doc. 99-18303 Filed 7-16-99; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meeting

The Department of Veterans Affairs gives notice under Pub. L. 92-463