

comments received before the close of business on the closing date indicated above will be considered and will be available for examination in the docket room at the above address. Comments received after the closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue exemptions from the vision requirement to the 32 applicants and publish in the **Federal Register** a notice of final determination at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file in the docket relevant information which becomes available after the closing date. Interested persons should continue to examine the docket for new material.

**Authority:** 49 U.S.C. 31136 and 31315; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: May 12, 1999.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

[FR Doc. 99-12465 Filed 5-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4430; Notice 1]

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

General Motors Corporation (GM), has 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 the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential to motor vehicle safety.

GM has also submitted a 49 CFR Part 573 noncompliance notification to the agency in accordance with 49 CFR 556.4(b)(6).

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

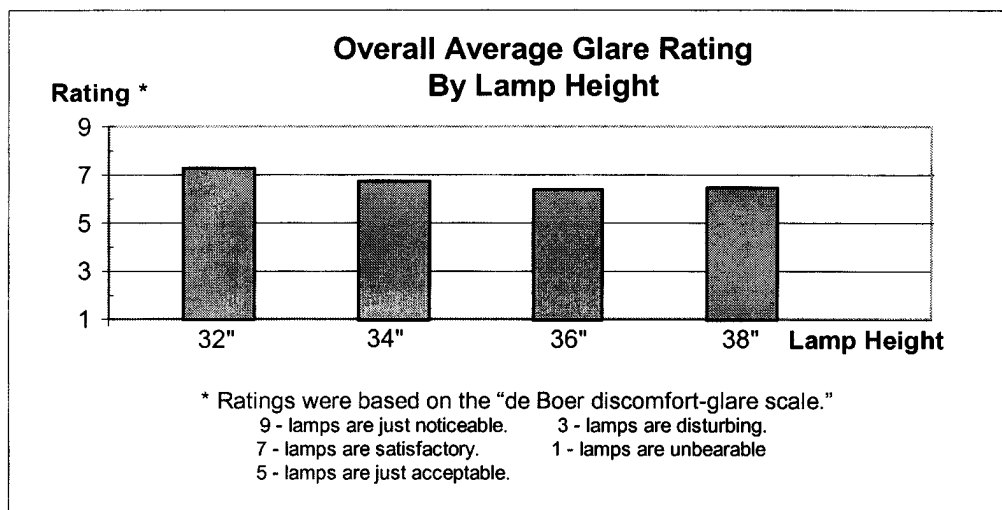
The DRLs on the noncompliant vehicles are provided by the upper beam headlamps operating at reduced intensity, with a maximum output of approximately 6,700 candela per lamp. As such, FMVSS 108 requires the DRL be mounted not higher than 34 inches (864 mm) from the road surface. Base-level GMC Sonomas 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 over-all 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 vehicle 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. In a report published in November of 1995 (UMTRI-95-40), the researchers concluded glare is not appreciably affected by mounting height. In other words, vehicles equipped with DRL lamps not meeting the maximum height restriction do not cause any more glare than vehicles that meet the height restriction. This is true even though the research was conducted on lamps mounted as high as 54 inches above the ground.

2. In addition to the UMTRI research, GM conducted subjective evaluations that confirm the DRLs on the non-complying vehicles do not cause a consequential increase in glare. Vehicles representative of the subject vehicles were modified to create DRLs with mounting heights of 32, 34, 36 and 38 inches above the ground. Subjects were asked to evaluate the glare in their rearview mirror from the DRLs. The results indicate that there is no significant difference in glare rating when the subject lamps are mounted at 32, 34, 36 or 38 inches above the ground (see chart below). While a final research report is not yet available, a summary of the research can be found in Appendix 2, to the petition. The subject lamps received favorable ratings when evaluated for glare. In the chart above, the lamps mounted at 36 and 38 inches above the ground received an overall rating of 6.4, which is just below a rating of 7 ("lamps are satisfactory") and well above a rating of 5 ("lamps are just acceptable").

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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 the preamble to the final rule allowing DRLs (Docket No. 87-6; Notice 5 published January 11, 1993), the agency summarized a study it conducted to help establish the height requirement. One of the purposes of the study was to assure that a mirror of a vehicle in front of a DRL-equipped vehicle would not be exposed to light intensities greater than 2600 cd. In justifying the 2600 cd limit, the agency explained,

"There are two kinds of glare: That which discomforts and that which disables. The agency proposed 2,600 candela to limit discomfort glare from the rear view mirror caused by vehicles with DRLs following closely behind."

The agency assures the glare will be below a level that could interfere with motor vehicle safety by limiting the value to 2600 cd.

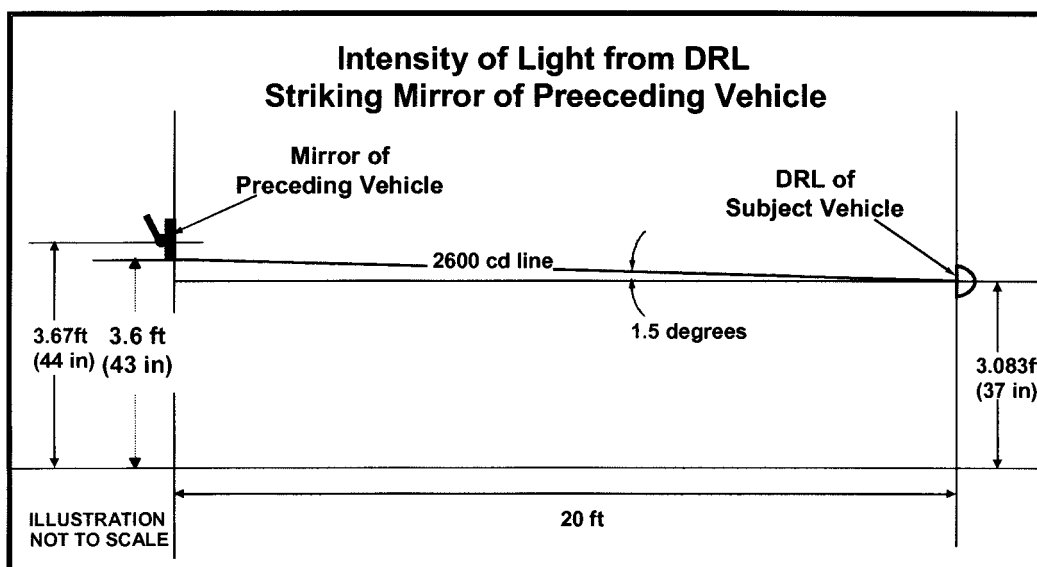
To establish the height where a DRL might generate 2600 cd in the mirror of a preceding vehicle, the agency measured the mirror height (44 inches) of a representative small vehicle and calculated the light that would strike the mirror from a DRL lamp mounted on a vehicle 20 feet behind it. Based on this analysis, the agency concluded a maximum high beam DRL mounting height of 34 inches would assure that light striking the mirror of a preceding vehicle would not exceed 2600 cd.

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 2600 candela limit established by the agency in the final DRL rule.

4. The DRLs of the non complying vehicles form a very compact beam pattern. Iso-candela curves show the intensity of the beam pattern quickly drops off as values are measured further from the center of the beam pattern. At approximately 1½ degrees above horizontal, the beam pattern intensity falls below 2600 candela. Therefore, the driver of a preceding vehicles will not see significant light in the rear view mirror (see diagram below).

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

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

For all of the above reasons, GM argues that this noncompliance is inconsequential to motor vehicle safety. In consideration of the foregoing, GM has applied for a decision that it be exempted from the notification and remedy provisions of 49 USC 30118 and 30120 for this specific noncompliance with FMVSS No. 108.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that six copies be submitted. Docket hours are 10:00 A.M. to 5:00 P.M.

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 practicable. 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: June 17, 1999.

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

Issued on: May 12, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99-12467 Filed 5-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5056; Notice 1]

#### Application for Determination of Inconsequential Noncompliance to Federal Motor Vehicle Safety Standard 108—Lamps, Reflective Devices and Associated Equipment

General Motors Corporation (GM), has determined 1997 GM S10 Electric Trucks (S10 trucks equipped with an electric propulsion system) fail to meet the turn signal bulb outage requirements

found in S5.5.6 of Federal Motor Vehicle Safety Standard (FMVSS) 108—*Lamps, Reflective Devices and Associated Equipment*. Pursuant to Title 49 of the United States Code, Sections 30118 and 30120, GM has petitioned the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential as it relates to motor vehicle safety. In accordance with 49 CFR 556.4(b)(6), GM has also submitted a 49 CFR 573.5 noncompliance notification to the agency.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent an agency decision or other exercise of judgement concerning the merits of the application.

FMVSS 108 S5.5.6 requires:

S5.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588e, Turn Signal Lamps, September 1970, except when a variable-load turn signal flasher is used on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, on a truck that is capable of accommodating a slide-in camper, or on any vehicle equipped to tow trailers.

The design of the S10 Electric Truck is based on the design of conventional S10 trucks powered by internal combustion engines, with modifications to accommodate the electric propulsion system. The conventional S10 trucks are capable of towing, have a variable load flasher, and, therefore, are not required by the Standard to provide bulb outage indication. The use of an S10 Electric Truck for towing is not practical and is not recommended. The impact of that fact was overlooked in the process of carrying over the design of the turn signal system from the conventional S10 to the S10 Electric and, therefore, the non complying vehicles were not equipped to indicate bulb outage and do not meet that requirement of FMVSS 108 S5.5.6. This was corrected in the 1998 model year production of the S10 Electric.

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

The S10 Electric Trucks are identical in appearance to the normal production vehicles. Except for the lack of towing capability, the subject vehicles are functionally the same as fully compliant S10 trucks.

There were only 209 vehicles produced and, therefore, the exposure is extremely small.

Most of the subject vehicles are part of commercial and government fleets (they have

been purchased by electric utility companies and state and municipal government agencies). As such, they will be exposed to routine maintenance schedules that are more rigorous than the average consumer practices.

Most trucks currently produced are capable of trailer towing and, thus, are not required to detect bulb outage. As a result, individuals and fleets who are accustomed to truck operation do not necessarily have an expectation that turn signal bulb outage will be indicated. In addition, other lamps required by FMVSS 108 are not required to provide bulb outage indication. As a result, the lack of that feature on these vehicles is not likely to be noticed by the vehicle operators, and they will continue to discover turn signal bulb outage the way they would on other trucks that are capable of towing.

GM is not aware of field complaints due to the subject condition.

GM asserts that the noncomplying trucks present the same level of safety as the millions of other vehicles with variable load flashers currently on the roads and highways. GM thus argues that this noncompliance is inconsequential as it relates to motor vehicle safety. In consideration of the foregoing, GM petitions that it be exempted from the notification and remedy provisions of the Safety Act for this specific noncompliance with FMVSS No. 108.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that six copies be submitted. Docket hours are 10:00 A.M. to 5:00 P.M.

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Comment closing date: June 17, 1999.

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

Issued on: May 12, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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