

Automotive Engineers' (SAE) Standard J588 NOV84, incorporated by reference in Table III of FMVSS No. 108 (and applicable to vehicles whose overall width is 80 inches or less), provides that the photometric requirements for turn signal lamps may be met at zones or groups of test points, instead of at each individual test point. Within a zone, the lamp is permitted to fail at individual test points as long as the total light intensity of all the test points within the zone is not below the specified level for the zone. SAE J588 specifies four such zones for turn signals.

From September 1990 through February 6, 1995, GM manufactured approximately 544,420 Buick Century passenger cars on which the turn signal lamps failed to meet the photometric requirements of SAE J588 NOV84. Of the four zones tested on the turn signal lamps, zones 1, 2, and 4 met the requirements, while zone 3 did not. The required light intensity for zone 3 is 2,375 candela (cd). When tested, 17 of the subject lamps produced, on average, a light intensity of approximately 2,145 cd or 90 percent of the required intensity. The three compliant zones exceed the light intensity requirements by at least 20 percent.

GM supported its application for inconsequential noncompliance with the following:

The difference between the FMVSS 108 requirement for zone 3 and the average performance of the subject lamps is imperceptible to the human eye. The average performance value for zone 3 for all 17 tested lamps is 10 percent below the 2375 cd federal requirement, and every lamp fell within 20 percent of that requirement (ranging from -1% to -18% of the requirement). As acknowledged in NHTSA's notices granting other similar petitions for determination of inconsequential noncompliance, and as demonstrated in the recent study (DOT HS 808 209, Final Report dated September 1994) sponsored by the agency, *Driver Perception of Just Noticeable Difference in Signal Lamp Intensities*, a change in luminous intensity of approximately 25 percent is required before the human eye can detect a difference between the two lamps. (See, e.g., Notice granting petition by Subaru of America (56 FR 59971); and Notice granting petition by Hella, Inc. (55 Fed. Reg. 37602).) Since the average discrepancy for the Buick lamp is only 10% with a maximum measured discrepancy of 18%, the subject lamps do not compromise motor vehicle safety as the noncompliance is not detectable by the human eye.

The subject lamps otherwise meet or exceed all other requirements of FMVSS 108, including the requirement of SAE J588, November 1984, that "the measured values at each test point shall not be less than 60% of the minimum value in Table 3 [Photometric Design Guidelines]."

GM is not aware of any accidents, injuries, owner complaints or field reports related to this condition.

No comments were received on the application.

Although the agency is troubled by the duration of the noncompliance and large number of affected vehicles, the criterion for granting an application is not the care or good faith of the applicant, but the effects of its noncompliance. The average noncompliance of the zone is only 10%, and this is offset by the three other zones exceeding the minima by 20%. On balance, then, the overall performance of the turn signal lamps will be consistent with that of lamps meeting the minimum requirements in every zone.

For the foregoing reasons, it is hereby found that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, the applicant is exempted from its obligation to provide notice of the noncompliance as required by 49 U.S.C. 30118, and to remedy the noncompliance 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: January 17, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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[Docket No. 95-91; Notice 2]

Decision That Nonconforming 1992 Mercedes-Benz 300SL Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1992 Mercedes-Benz 300SL passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Mercedes-Benz 300SL passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1992 Mercedes-Benz 300SL), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of January 22, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Liphardt & Associates, Inc. of Ronkonkoma, New York (Registered Importer R-90-004) petitioned NHTSA to decide whether 1992 Mercedes-Benz 300SL passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 13, 1995 (60 FR 57054) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility

number indicating that the vehicle is eligible for entry. VSP-143 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Mercedes-Benz 300SL (Body Style 129) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Mercedes-Benz 300SL originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 17, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-713 Filed 1-19-96; 8:45 am]

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[Docket No. 95-73; Notice 2]

Decision That Nonconforming 1987 Nissan Stanza Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1987 Nissan Stanza passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1987 Nissan Stanza passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1987 Nissan Stanza), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of January 22, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Liphardt & Associates of Ronkonkoma, New York (Registered Importer R-90-004) petitioned NHTSA to decide whether 1987 Nissan Stanza passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on September 12, 1995 (60 FR 47424) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number of Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-139 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1987 Nissan Stanza not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1987 Nissan Stanza originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 17, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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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 Public Law 92-463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94-409 that a meeting of the Rehabilitation Research and Development Service Scientific Merit Review Board will be held at the Vista International Hotel, 1400 "M" Street NW, Washington, DC on January 23 through January 25, 1996.

The session on January 23, 1996, is scheduled to begin at 6:30 p.m. and end at 9:30 p.m. The sessions on January 24 and January 25, 1996, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public up to the seating capacity of the room for the January 23 session for discussion of administrative matters, the general status of the program, and the administrative details of the review process. On January 23-25, 1996 the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar