

Issued in Hawthorne, California, on January 28, 1997.

Robert C. Bloom,

*Acting Manager, Airports Division, Western-Pacific Region.*

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BILLING CODE 4910-13-M

## National Highway Traffic Safety Administration

[Docket No. 96-124; Notice 2]

### Philips Lighting Company, USA; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Philips Lighting Company (PLC), to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h) for noncompliances with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices and Associated Equipment." The basis of the application is that the noncompliances are inconsequential to motor vehicle safety.

Notice of receipt of the application was published on December 18, 1996, and an opportunity afforded for comment (61 FR 66745).

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 noncompliances follows:

Some lamps [replaceable light sources for use in headlamps] have dimensions that do not comply with Figures 3-1, 3-3 and 3-8 of FMVSS No. 108. In addition, 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 [HB1] 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 [HB1] 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"

No comments were received on the application.

NHTSA has reviewed and accepts for the most part PLC's analyses of the reported noncompliances. The basis for the agency's decision that the noncompliances will not affect motor vehicle safety in a consequential manner is as follows:

**Dimension K, lower beam filament location noncompliance:** The noncompliance is that the lower beam filament is slightly rearward of its allowed location, 0.5 mm. in one case and 0.13 mm. in another. Only two of five samples have this error. The effect on the lower beam pattern is a slight defocussing of the pattern resulting in a slightly more diffuse pattern than intended. It is unlikely that the slight decrease in concentration of light at any particular spot in the pattern would make a typical headlamp noncomplying, and if so the safety effect would be nil.

**Dimensions F, J and V, light source electrical contacts and socket dimensions:** The noncompliance is for the depth of the electric contact in the socket, the relative position of the

contacts to the centerline of the socket, and the length of the electrical contact surface. The dimensional errors are slightly out of allowed tolerance, varying up to -0.3 mm., +0.38 mm. and -1.16 mm., respectively. For dimensions F and V covering the length and depth of the contact, such errors are unlikely to have any measurable effect on the performance of the light source or the headlamp in which it may be installed. The direct effect is to lessen the electrical current carrying capacity of the contact, however the diminution of that capacity is unlikely to cause a measurable effect on the necessary current capacity or an increase in voltage drop across the contact. The error for dimension J affects the location of the centroid of the three electrical contacts within the socket. The error is relatively small compared to the diameter of the opening and should cause no consequence in mating between the connector and socket. The body of the plug is a loose fit into the socket to assure proper contact mating and to assure that the very flexible waterproofing gasket on the connector seals the contact compartment. None of these minor contact and socket dimensional errors should create any safety problem.

**Bulb Deflection Test failures:** The bulb deflection test exists to assure a strong and stable mounting of the glass filament capsule to the base. The reason that the requirement exists is to prevent the misalignment of the enclosed filament during replacement of the light source into a vehicle headlamp after a bulb failure. Access to the rear of the headlamp is typically cramped at best with the space for the light sources socket and wire harness plug competing for space needed for sharp metal structures, batteries, relays, tubing and other paraphernalia. Thus, replacement of a light source is often a difficult task. The glass capsule must be carefully guided through this maze of hardware into the opening at the rear of the headlamp. Thus, the glass capsule must withstand any bending forces that may be imposed upon it during that process in order to assure proper alignment of the enclosed filament with the headlamps optical axis. For the subject HB1 light source, the weakest orientation of the glass capsule mount is also the most predominant orientation of external forces during a field replacement. These forces would typically cause the capsule to move upward. During the deflection test, the capsule is permitted to permanently deflect by 0.13 mm. For the Philips' light sources, the five capsules deflected

a distance of 0.08, 0.25, 0.22, 0.22, and 0.12 mm. when subject to a force of 17.8 Newtons.

This movement of the enclosed filament has a direct effect on the seeing distance illumination achieved by the headlamp. As the filament moves upward, the effect on the beam pattern is to move it downward. Consequently, the roadway illumination moves proportionately closer to the front of the vehicle. By design, the vertical placement of the lower beam filament relative to its design location in the headlamp housing is roughly  $\pm 0.60$  mm. For a typical vehicle's headlamp mounted at 700 mm. above the ground, this could produce movement of a down-the-road point in the beam pattern of roughly  $\pm 51$  m. from the design location of the "seeing distance" test point at 80 m. Such extreme deviations are very rare, taking into account the build up of tolerances to achieve the maximum effect. For the group of light sources tested by Philips, the mean vertical error in location of the lower beam filament was upward 0.03 mm. This means that the seeing distance test point for the average light source tested would be at about 87 m. down the road.

Assuming that a nominally manufactured light source is subject to rough treatment during its placement in a vehicle's headlamp and has at least 17.8 Newtons applied to it to cause the allowed maximum deflection of the capsule in an upward direction, the filament would move upward 0.13 mm. This would translate to an inward movement of the "seeing distance" test point to 60 m. For the worst performing Philips light source (#2) achieving a deflection of 0.25 mm. upward and having its filament originally about 0.28 mm. low relative to the design location in the headlamp, the "seeing distance" test point location would only move to about 87 m. if it were deflected as much during a replacement. For this light source, the downward original location of the filament and the upward deflection cancel each other's effect. While this would appear to be an increase of "seeing distance," the fact is that beam patterns of headlamps using the HB1 light source rarely have significant gradients in intensity over small angular increments. The gradient just above the "seeing distance" test point must be sufficient to transition between that point's intensity (8000 to 20000 candela) and the nearest test point directly above it by one degree (500 to 2700 candela). Thus moving the beam up or down by a third of one degree (as might occur with a damaged Philips light source with a 0.25 mm.

deflection) will not necessarily eliminate light from down the road as shown by the example. Additionally, the likelihood of the light source being damaged by installation is probably very small. Furthermore, the other headlamp on the vehicle (presumably in compliance) would not be affected and would continue to help illuminate the roadway, even if there were an adverse change in illumination from the headlamp with the damaged light source. Also as Philips stated regarding filament location, many other factors are involved in roadway illumination for a particular vehicle, e.g. trunk loads move the aim upward and would move the seeing point farther away. Additionally, most state laws on headlamp aim allow headlamp aim range to be  $\pm 0.75$  degree. This is over twice the angular error that might result from the worst Philips light source tested. Thus, viewing the totality of the task of properly illuminating the roadway, the probability is very small that any one of the Philips' light sources would result in a materially higher risk of crash involvement.

The agency does not consider PLC's comparison of the FMVSS and SAE tolerances as relevant to this decision. The SAE tolerances are recommended industry practices, but the FMVSS tolerances are mandatory Federal standards.

Overall, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants PLC'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. Although PLC also requested that it be permitted to distribute and sell the noncomplying light sources, the agency's authority under the inconsequentiality provisions is limited to providing relief from the obligation to notify and remedy noncompliances for items already sold to customers. Accordingly, the further sale or distribution of such light sources as PLC has determined do not conform to FMVSS No. 108, whether by PLC or its distributors, would violate 49 U.S.C. 30112(a), and render the violators liable for civil penalties.

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

Issued on: January 31, 1997.

L. Robert Shelton,  
Associate Administrator for Safety  
Performance Standards.

[FR Doc. 97-3041 Filed 2-6-97; 8:45 am]

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## Surface Transportation Board

### Agency Form Submitted for OMB Review

**AGENCY:** Surface Transportation Board, Office of Economic and Environmental Analysis and Administration.

**SUMMARY:** The Surface Transportation Board has submitted to the Office of Management and Budget for review and approval the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Type of Request:* Reinstatement of an expired form without any change in the substance or in the method of collection.

*Title of Form:* Annual Report.

*OMB Form Number:* 2140-0029.

*Agency Form Number:* R-1.

*No. of Respondents:* 10.

*Total Burden Hours:* 8,000.

#### FOR FURTHER INFORMATION CONTACT:

Requests for copies of the form and supporting documents may be obtained from the Agency Clearance Officer, Ellen R. Keys, (202) 927-5673. Comments regarding this information collection should be addressed to Ward L. Ginn, Jr., Office of Economic and Environmental Analysis and Administration Surface Transportation Board, Washington, DC 20423-0001 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Officer for the Surface Transportation Board, Washington, DC 20503. When submitting comments, refer to the OMB number and the title of the Form.

**SUPPLEMENTARY INFORMATION:** The Surface Transportation Board is, by statute, responsible for the economic regulation of surface transportation carriers operating in interstate and foreign commerce. Annual reports are required to be filed by all Class I railroads pursuant to authority in 49 U.S.C. 11145, 11144 and 11901 of the ICC Termination Act (ICCTA). This information collection was approved June 13, 1985 and extended to March 31, 1996.

Decided: January 31, 1997.

Vernon A. Williams,

Secretary.

[FR Doc. 97-3107 Filed 2-6-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-290 (Sub-No. 183X)]

### Norfolk Southern Railway Company— Abandonment Exemption—in Greenwood and Newberry Counties, SC

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, pursuant to 49 U.S.C. 10502, exempts Norfolk Southern Railway Company (NS) from the prior approval requirements of 49 U.S.C. 10903 to permit NS to abandon a 13-mile line of railroad between milepost V-58.0, at Conrad, and milepost V-71.0, at Brickdale, in Greenwood and Newberry Counties, SC, subject to an environmental condition and standard employee protective conditions.

**DATES:** Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 9, 1997. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) <sup>1</sup> and requests for issuance of a notice of interim trail use/rail banking under 49 CFR 1152.28 must be filed by February 18, 1997, petitions to stay must be filed by February 24, 1997, requests for a public use condition conforming to 49 CFR 1152.28(a)(2) must be filed by February 27, 1997, and petitions to reopen must be filed by March 4, 1997.

**ADDRESSES:** Send pleadings, referring to STB Docket No. AB-290 (Sub-No. 183X) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) James R. Paschall, Three Commercial Place, Norfolk, VA 23510-2191.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC Data & News, Inc., Room 2229, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: January 30, 1997.

<sup>1</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).