

scoping meetings for this EIS at the times and locations listed under the heading **DATES AND LOCATIONS**. Sign interpretation can be made available at a meeting if requested 10 calendar days before the specific meeting at which the service is required.

Comments from interested parties on the scope of the EIS are encouraged and should be submitted to the FAA in writing or presented verbally at the scoping meetings. Written comments must be received by April 2, 1996. Comments should discuss environmental concerns and issues related to the proposed action, suggested analyses and methodologies for inclusion in the EIS, possible sources of relevant data or information or feasible alternatives to the proposed action. Submit written comments to Federal Aviation Administration, Office of the Chief Counsel, Attention: Docket (AGC-200), Docket No. 28365, 800 Independence Avenue, SW., Washington DC 20591.

DATES AND LOCATIONS: March 5, 1996, 7–10 p.m., Travel Lodge, Building #144, JFK International Airport, Jamaica, NY, 11430; March 6, 1996, 9 a.m.–12 noon and 7 p.m.–10 p.m., Kingsborough Community College, 2001 Oriental Avenue, Brooklyn, NY, 11235; March 7, 1996, 7 p.m.–10 p.m., Ramada Inn, 90–10 Grand Central Parkway, East Elmhurst, NY 11369.

FOR FURTHER INFORMATION CONTACT: Jerome D. Schwartz, Environmental Specialist, Federal Aviation Administration, Wind Shear Products Team, AND-420, 800 Independence Avenue, SW., Washington DC 20591, telephone (202) 358–4946.

Issued in Washington, DC, on January 23, 1996.

Loni Czekalski,
Director of Communications, Navigation, and Surveillance Systems, AND-1.

[FR Doc. 96–1535 Filed 1–26–96; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–57; Notice 2]

General Motors Corp.; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, determined that some of its vehicles failed to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, “Lamps, Reflective Devices, and Associated Equipment,” and filed an appropriate

report pursuant to 49 CFR part 573, “Defect and Noncompliance Reports.” GM 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.

Notice of receipt of the application was published on July 26, 1995, and an opportunity afforded for comment (60 FR 38392).

Paragraph S5.5.10(d) of FMVSS No. 108 requires that “all other lamps [not mentioned in Paragraphs S5.5.10(a–c) which includes all stop lamps such as center high-mounted stop lamps (CHMSLs)] shall be wired to be steady-burning.”

During the 1995 model year, GM manufactured a total of 96,607 GMC and Chevrolet Suburban, GMC Yukon, and Chevrolet Tahoe vehicles with CHMSLs that were inadvertently wired in a manner which permits the CHMSLs to momentarily flash under certain conditions while the driver is in the process of activating or deactivating the hazard flashers. As a result, they do not meet the requirement of Paragraph S5.5.10(d) that they be “wired to be steady-burning.” While GM designed the vehicles to meet this requirement, it subsequently discovered a transient contact condition inside the multi-function (stop lamp, CHMSL, turn signal, and hazard flasher) switch which occasionally causes the CHMSL to flash while the driver is in the process of turning the hazard flasher switch “on” or “off.” The error was corrected in production in March 1995 by adding a brake lamp relay to the I/P harness to provide isolation from the multi-function switch transient.

GM supported its application for inconsequential noncompliance with the following:

The CHMSL performs properly at all times when the service brakes are applied. The transient condition will not occur if the service brakes are applied when the driver activates or deactivates the hazard flasher switch. Therefore, the CHMSL will not flash when it is required to be steady-burning. The CHMSL will not flash if the ignition switch is in the “off” position. Thus, the condition will not occur if the hazard flashers are turned “off” or “on” when the ignition is off and the vehicle is parked at the side of the road, for example.

If the CHMSL flashes at all, it will illuminate a maximum of three times during the transient condition, with each pulse lasting 0.5 [millisecond (ms)] to 4.0 ms. The entire unintended event, in its worst case, lasts no more than 125.8 ms. This extremely short duration is likely to go entirely unnoticed by following drivers in many instances. In the event that it is noticed, it is

not likely to be confused with anything other than the hazard flashers. Since the flashers will be activated while the unintended condition occurs, but the brake lamps will not be, this will not present a safety risk.

The CHMSL otherwise meets all of the requirements of FMVSS 108.

In a 1989 interpretation, NHTSA discussed the difference between the requirements that stop lamps be steady-burning and hazard warning lights flash. NHTSA explained:

Standard No. 108 requires stop lamps to be steady-burning, and hazard warning signal lamps to flash (generally through the turn signal lamps). The primary reason for the distinction is that the stop lamps are intended to be operated while the vehicle is in motion, while hazard warning lamps are intended to indicate that the vehicle is stopped. Each lamp is intended to convey a single, easily recognizable signal. If a lamp which is ordinarily steady burning begins to flash, the agency is concerned that the signal will prove confusing to motorists, thereby diluting the effectiveness.

August 8, 1989 letter from S.P. Wood, Acting Chief Counsel, NHTSA, to L.P. Egley

While this condition technically causes a lamp which is ordinarily steady burning to begin to flash, it will not likely “prove confusing to motorists, thereby diluting its effectiveness,” because it will not occur if the service brakes are applied. Even if the condition were mistaken for a brake signal (which is doubtful since CHMSLs do not flash with brake lamp activation), the following driver would not likely react to it. According to recent research studies conducted by GM, as well as field data, it takes a following driver at least 0.5 seconds to react to a signal and apply the service brakes once [a] preceding vehicle’s brake lamps are activated. Given the extremely short duration of the transient CHMSL condition, the misinterpreted signal would be gone long before the following driver could respond.

Hazard flashers are not frequently used. Thus, the exposure of following drivers to the noncompliant condition would be very limited. This is particularly true because of the transient nature of the condition, its short duration, and the fact that it will not occur at all if the service brakes are applied or the vehicle’s ignition is off.

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

No comments were received on the application.

GM states that “[t]he entire unintended event, in its worst case, lasts no more than 125.8 ms.” This is 1/8th of a second. As GM further stated, according to its research studies and field data, it takes a following driver at least half a second to react to a signal and to apply the service brakes once a preceding vehicle’s brakes are activated. NHTSA finds this a convincing argument that the transient activation of the CHMSL, a false signal, is highly unlikely to mislead a following driver

into applying the service brakes when there is no need to do so.

In consideration of the foregoing, 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 hereby exempted from its obligations 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 23, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-1505 Filed 1-26-96; 8:45 am]

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[Docket No. 93-37, Notice 4]

Panoz Auto Development Co.; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Panoz Auto Development Company of Hoschton, Ga., applied for a renewal of its exemption from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the application was that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

Notice of receipt of the application was published on October 13, 1995, and an opportunity afforded for comment (60 FR 53454). This notice grants the renewal.

Panoz received NHTSA Exemption No. 93-5 from S4.1.4 of Standard No. 208, which was scheduled to expire August 1, 1995 (58 FR 43007). However, its application for renewal was filed on May 26, 1995, which was more than 60 days before the scheduled expiration date of its exemption. In accordance with 49 CFR 555.8(e), Panoz' filing of its application before the 60th day stays the expiration until the Administrator grants or denies the application for renewal.

Panoz's original exemption was granted pursuant to the representation that its Roadster would be equipped with a Ford-supplied driver and passenger airbag system, and would comply with Standard No. 208 by April 5, 1995, after estimated expenditures of \$472,000. As of April 1993, the company had expended 750 man hours and \$15,000 on the project.

According to its application for renewal:

Panoz has continued the process of researching and developing the installation of a driver and passenger side airbag system on the Roadster since the original exemption petition was submitted to NHTSA on April 5, 1993. To date, an estimated 1680 man-hours and approximately \$50,400 have been spent on this project.

Panoz uses a 5.0L Ford Mustang GT engine and five speed manual transmission in its car. Because "the 1995 model year and associated emission components were revised by Ford", this caused

a delay in the implementation of the airbag system on the Roadster due to further research and development time requirements and expenditure of additional monies to evaluate the effects of these changes on the airbag adaptation program.

In addition, the applicant learned that Ford will be replacing the 5.0L engine and emission control system on the 1996 Mustang and other passenger cars with a modular 4.6L engine and associated emission components. The 1995 system does not meet 1996 On-Board Diagnostic emission control requirements, and Panoz will have to use the 1996 engine and emission control system in its cars. The majority of the money and man hours to date have been spent on adapting an airbag system to the 5.0L engine car, and the applicant is now concentrating on adapting it to a 4.6L engine car. Panoz listed eight types of modifications and testing necessary for compliance that would cost it \$337,000 if compliance were required at the end of a one-year period. It has asked for a two-year renewal of its exemption.

Panoz sold 13 cars in 1993 and 13 more in 1994. It did not state its sales to date in 1995. At the time of its original petition, its cumulative net losses since incorporation in 1989 were \$1,265,176. It lost an additional \$249,478 in 1993 and \$169,713 in 1994.

The applicant reiterated its original arguments that an exemption would be in the public interest and consistent with the objectives of traffic safety. Specifically, the Roadster is built in the United States and uses 100 percent U.S. components, bought from Ford and approximately 75 other companies. It provides full time employment for 7 persons, and "at least 200 employees from over 80 different companies remain involved in the Panoz project." The Roadster is said to "provide the public with a classic alternative to current production vehicles." It is the only vehicle that incorporates "molded aluminum body panels for the entire

car", a process which is being evaluated by other manufacturers and which "results in the reduction of overall vehicle weight, improved fuel efficiency, and increased body strength." With the exception of S4.1.4 of Standard No. 208, the Roadster meets all other Federal motor vehicle safety standards including the 1997 side impact provisions of Standard No. 214.

No comments were received on the application.

Since its incorporation in 1989, the applicant's cumulative net loss exceeds \$1,600,000. Its estimated cost of \$337,000 for immediate conformance is a convincing hardship argument. In addition, the on-going compliance efforts of the company with respect to two Ford engine configurations indicate that the company continues to make a good faith effort to comply with Standard No. 208. This American-made vehicle is represented as meeting all remaining Federal motor vehicle safety standards, and will comply with new side intrusion requirements in advance of its effective date. A renewal of the exemption is merited.

In consideration of the foregoing, it is hereby found that to require immediate compliance with Standard No. 208 would cause substantial economic hardship to a manufacturer that has in good faith attempted to meet the standard, and that an exemption would be in the public interest and consistent with the objectives of traffic safety.

Accordingly, NHTSA Exemption No. 93-5 from paragraph S4.1.4 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection* is hereby extended to expire November 1, 1997.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on January 23, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 96-1504 Filed 1-26-96; 8:45 am]

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Surface Transportation Board

[STB Ex Parte No. 526]

Notice of Establishment of Railroad-Shipper Transportation Advisory Council and Request for Recommendation of Candidates for Membership

AGENCY: Surface Transportation Board.

ACTION: Request For Recommendation of Candidates For Membership on Railroad-Shipper Transportation Advisory Council.