reaching his 60th birthday. *DENIAL, July 22, 1998, Exemption No. 6799*

Docket No.: 144CE

Petitioner: Sino Swearingen Aircraft Company

Sections of the FAR Affected: 14 CFR 23.25; 23.29; 23.235; 23.471; 23.473; 23.477; 23.479; 23.481; 23.483; 23.485; 23.493; 23.499; 23.723; 23.725; 23.726; 23.727; 23.959; 23.1583(c) (1) and (2), Appendix C23.1, Appendix D23.1, through Amendment 23–52

Description of Relief Sought/ Disposition: To allow type certification of the Sino Swearingen SJ30–2 390 airplane without an exact showing of compliance 14 CFR part 23 requirements, subject to certain conditions and limitations. *GRANT, June 29, 1998, Exemption No. 6791*

Docket No.: 29041

Petitioner: Estumkeda, Ltd

Sections of the FAR Affected: 14 CFR 47.65

Description of Relief Sought/ Disposition: To permit the petitioner to obtain a Dealer's Aircraft Registration Certificate without meeting the United States citizenship requirements. *DENIAL, June 23, 1998, Exemption No. 6793*

[FR Doc. 98–20632 Filed 7–31–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc., Government/Industry Free Flight Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 2), notice is hereby given for an RTCA Government/Industry Free Flight Steering Committee meeting to be held August 19, 1998, starting at 1:00 p.m. The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591, in the Bessie Coleman Conference Center, Room 2AB.

The agenda will include: (1) Welcome and Opening Remarks; (2) Review Summary of the Previous Meeting; (3) Report and Recommendations from the Free Flight Select Committee on a Restructured Flight 2000 Program; (4) Report on the status and plans for the GPS/WAAS Sole Means Risk Assessment; (5) Other Business; (6) Date and Location of Next Meeting; (7) Closing Remarks.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone), (202) 833–9434 (facsimile), or dclarke@rtca.org (e-mail). Members of the public may present a written statement at any time.

Issued in Washington, DC, on July 27, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98–20631 Filed 7–31–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–4075]

General Motors; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, determined that some of its 1997 model Chevrolet Corvettes failed to meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 124, ''Accelerator Control Systems,'' and filed an appropriate report pursuant to 49 CFR Part 573, ''Defects 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 September 16, 1997, and an opportunity afforded for comment (Docket No. 97–58, Notice 1; 62 FR 48708).

Paragraph S5.2 of FMVSS No. 124 requires the throttle to return to idle position within the time limits specified in S5.3, whenever any component of the accelerator control system is disconnected or severed at a single point. S5.3 requires return to idle within 3 seconds for any vehicle exposed to temperatures of 0 degrees to −40 degrees F (−18 degrees to −40 degrees C). During the 1997 model year, GM produced 9,500 Chevrolet Corvettes, which will not comply with FMVSS No. 124 because, when tested with one return spring removed at temperatures below −26 degrees F, their accelerator pedal module assembly does not move quickly enough to cause the throttle to return to the idle position within 3 seconds.

GM described the noncompliance and supported its application with the following arguments:

The Chevrolet Corvette employs an electronic throttle control which adjusts the throttle position based on input from the accelerator pedal position. The accelerator pedal is equipped with three springs, any two of which are capable of returning the pedal to rest position. Once this occurs, the throttle returns to idle position approximately 0.2 seconds later. A test run in early May, however, raised a question about the ability of the pedal assembly to return at low temperatures.

GM believes that the failure of the pedal assembly to meet the throttle closing time requirements of FMVSS No. 124 at extremely low temperatures is inconsequential to motor vehicle safety for the following reasons.

1. *Vehicle Controllability*—In the unlikely event that all of the prerequisites necessary for the noncompliance occurred—that is, a return spring was disconnected or severed on a pedal assembly with residual oil, and the vehicle soaked at ambient temperatures below −32 degrees C—the vehicle would continue to be controllable both by the service brakes and as a result of the Brake Torque Management System.

2. *Reliability of the Accelerator Springs*—The condition which is the subject of GM's noncompliance decision can only occur if one of the return springs is severed or disconnected. The springs in the Corvette pedal assembly, however, have extremely high reliability and are not likely to fail in the real world.

3. *Condition Requires Extreme Temperatures; Pedal Assembly Warms Quickly*—As mentioned above, the root cause of the noncompliance condition is the residual oil on the pedal assemblies congealing below −32 degrees C. Testing at temperatures above that level resulted in full compliance with the FMVSS No. 124 time limits for all pedal assemblies tested. Therefore, the ambient temperatures required for the possibility of this noncompliance to exist are severe. Even if a vehicle with a disconnected return spring soaked under the necessary harsh conditions for a sufficient time to congeal the residual oil, the potential for the noncompliance to occur would exist for only a short time, because the pedal assembly would warm up quickly with activation of the vehicle heating system.

4. *Condition is Self-correcting*—Durability testing indicates that the condition improves with wear. Bench testing was conducted on five production pedal assemblies with poor

return times. The pedals on these assemblies were cycled at room temperature. Since the vast majority of driving is done with a only limited pedal movement, each cycle consisted of a 10 per cent application of pedal travel. Every 2,000 cycles the pedal return at −40 degrees F (−40 degrees C) was checked. The results, shown in Figure 5 [of the application], indicate that most pedals will return within the specified time limit after 10,000 cycles, and all pedals will easily meet the time limits after 15,000 cycles.

5. *Warranty Data*—GM has reviewed recent warranty data for the 1997 Corvette, as well as complaint data. We are unaware of any data suggesting the subject condition is a real world safety issue.

No comments were received on the application.

FMVSS No. 124 requires that the accelerator control system return to the idle position in the event of a single point disconnection or severance of the system in no more than three seconds after the pedal is released when tested at temperatures from −18 degrees C (0 degrees F) to −40 degrees C (−40 degrees F also). If the severance is of one of the three pedal return springs inside the passenger compartment, full return will take longer than three seconds when the temperature of the passenger compartment is below −32 degrees C (−26 degrees F).

In this instance, there are many mitigating circumstances that render the noncompliance inconsequential to safety. First, the noncompliance does not result in the throttle sticking open at extreme low temperatures. It merely closes more slowly as a result of congealed lubricant on a new pedal assembly with tightly fitting parts. (GM determined that the lubricant was not necessary for long term durability or corrosion protection and discontinued its use to avoid further non-compliances.) Even with one return spring removed, the accelerator pedal returns at least 85 percent of full travel within the specified time. The worst consequence is merely the duration of an elevated idle speed for about six seconds, and the vehicle is subject to this condition only for periods when the temperature in the passenger compartment is below −26 degrees F. Second, the pedal assemblies loosen up enough in about 2000 miles of normal driving to correct the noncompliance. While pedal assemblies with all three return springs satisfy the performance requirements of FMVSS No. 124 under all temperature conditions regardless of congealed lubrication or tight fit of parts, even those with one spring removed will satisfy the standard after about 2,000 miles of use despite the congealed lubrication at −40 degrees F. It is unlikely that many of the first 9,500 1997 Corvettes, which had lubricated pedal assemblies, have not yet corrected themselves. Third, it is extremely unlikely that a pedal return spring would fail during the first 2000 miles of driving. The springs are designed for an infinite fatigue life, and they are mounted in a protected area. Also, they are direct acting compression springs not dependent upon connections.

In consideration of the foregoing, it is hereby found that General Motors Corporation has met its burden of persuasion that the noncompliance discussed herein is inconsequential to motor vehicle safety, and its application is granted.

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

Issued on: July 28, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–20654 Filed 7–31–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3146]

Toyota Technical Center, U.S.A., Inc., Grant of Application for Decision of Inconsequential Noncompliance

Toyota Technical Center, U.S.A., Inc. (Toyota) of Washington, DC on behalf of the Toyota Motor Manufacturing, Kentucky, Inc. (TMMK) has determined that some 1998 model Toyota Sienna vehicles fail to comply with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, ''Tire selection and rims for vehicles other than passenger cars,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Toyota 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.

Notice of receipt of the application was published, with a 30-day comment period, on December 10, 1997, in the **Federal Register** (62 FR 65127). NHTSA received no comments on this application during the 30-day comment period.

In FMVSS No. 120, paragraph S5.3 states that the recommended cold inflation pressure for the designated tire must appear either on the certification label or a tire information label.

Toyota produced 4,358 vehicles from May 12, 1997 through October 13, 1997 which do not meet the labeling requirements stated in the standard. The recommended 240KPa (35 PSI) cold inflation pressure for the designated tire (P205/70R15) is misstated on the certification label as 220 KPa (33 PSI).

Toyota supported its application for inconsequential noncompliance with the following three statements:

1. On these vehicles, Toyota has applied a voluntary tire information label, on which the correct recommended pressure, ''240 KPa/35 PSI'' (at maximum loaded vehicle weight) appears, [located at] the door opening portion of the driver side B-pillar. Toyota believes that owners will refer to this tire information label rather than the certification label, making the possibility of confusion due to the different tire inflation pressures quite low.

2. The vehicle owner's manual also indicates the correct recommended inflation pressure.

3. The Maximum Loaded Vehicle Weight (MLVW)—the weight of the heaviest vehicle of the car line with full accessories, passengers in all designated seating positions, and maximum cargo and luggage load—of the Toyota Sienna is 2,365 kg. In such [a] fully-loaded condition, the rear axle is loaded more than the front [axle], resulting in a rear axle load of 1,204 kg or 602 kg on each rear tire. The load limit of the subject P205/70R15 tire inflated to 220 KPa (33 PSI) is 650 kg. Therefore, there still exists a 48 kg margin under the MLVW. Since the Sienna is a passenger vehicle—as opposed to a cargo vehicle—it is unlikely that the owner will overload it.

The reason for requiring the maximum permissible tire inflation pressure to be provided on a permanent label in the vehicle is to give the vehicle user the necessary information to minimize the likelihood that the tires will be overloaded or overinflated. In this case, the too-low maximum inflation pressure shown on the vehicle label raises concerns that the tires will be overloaded when the vehicle is fully loaded. However, NHTSA believes Toyota has provided sound reasons to conclude that these concerns are unlikely in the circumstances of this application. First, the vans have correct maximum inflation pressures shown on a tire information label on the vehicle and in the owner's manual, but a too-low maximum inflation pressure on the certification label. Second, and most