

In an attempt to address the petitioner's concerns, we have proposed limited exemption from the adjacency requirement if the control is associated with a display, located in the driver's view, which clearly shows all functions available from that control (see proposed regulatory text at S5.1.4). We have also added a definition for "multi-function control" to S4.

We seek comment on the following issues related to the use of multi-function controls and multi-task displays as well as comment on the proposed regulatory language itself:

(1) If a display screen shows all of the functions available from a multi-function control, as required by the proposed text, how important is it to vehicle safety that the control itself be labeled?

(2) Please provide any data related to the safety of use of multi-function controls, such as the number of times the driver looks away from the road, the length of these glances, etc., while using the control in different driving scenarios. Compare this to traditional single controls.

(3) Are there controls that, for the sake of vehicle safety, should not be combined with any other controls, or should not be combined with certain other controls?

We request comments on whether any other exceptions from the "on or adjacent" requirement would be appropriate. In providing comments on this issue and on the proposed language for the exceptions discussed above, we ask that manufacturers and other interested persons consider discussing future advanced design concepts⁶ that may now be foreseeable.

J. Other Issues

We invite public comment on any other FMVSS 101 issue that the commenter may wish to raise. For example, we seek comment on whether the selection of some controller/multi-task display combinations are, or could become, too complex for some drivers.

K. Conforming Amendments to Other Standards

Several other safety standards include requirements that are affected by the proposed changes to FMVSS 101, including FMVSS 105, 121 and 135. While we are not specifying specific proposed regulatory text, we will make

any necessary conforming amendments as part of the final rule.

VI. Leadtime and Cost

We believe the controls, telltales and indicators that would be regulated by the proposed new version of FMVSS 101 are already identified by vehicle manufacturers. The primary cost of this rulemaking would therefore be changing the identification of those controls, telltales and indicators that are not already identified by the proposed symbols but are instead identified by words or some other symbol. To the extent that such changes are made in the course of normal vehicle redesigns, such costs would be negligible.

Given that the benefits of this rulemaking are nonquantifiable and recognizing that it could be costly for some manufacturers to have to redesign their vehicles within a short time period to meet the proposed requirements, we tentatively conclude that it is in the public interest to provide a long leadtime for the proposed requirements. We are proposing a leadtime of five years for light vehicles and eight years for vehicles with a GVWR of 4,536 kg. or greater.

The proposed leadtime would generally permit manufacturers to redesign their vehicles to meet the proposed requirements at the same time as they redesign their vehicles for other purposes. A longer leadtime is proposed for heavier vehicles because they are redesigned less often and because they have not previously been subject to FMVSS 101's requirements for displays.

VII. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." The rulemaking action is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

For the following reasons, we believe that this proposal, if made final, would not have any quantifiable cost effect on motor vehicle manufacturers. We believe that all vehicle manufacturers already identify each control, telltale or indicator provided in vehicles that they manufacture. We believe that because we are providing five to eight years of leadtime, if this proposed rule is made final, there would be enough leadtime for manufacturers to make necessary vehicle changes that coincide with continuous design changes in motor vehicles for future model years.

If this proposed rule is made final, we believe manufacturers would incur minuscule costs to make the identifications meet FMVSS 101. This rule, if made final, would specify the symbol that must be used to identify each control, telltale, or indicator in a motor vehicle. This requirement would only apply if that control, telltale or indicator were listed in one of the tables proposed in this NPRM.

Because the economic impacts of this proposal are so minimal, no further regulatory evaluation is necessary.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require

⁶NHTSA's regulation at 49 CFR Part 512 Confidential Business Information, establishes procedures by which NHTSA will consider claims that information submitted to us is confidential business information, as described in 5 U.S.C. Section 552(b)(4).