

IV. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be insignificant under the Department of Transportation's regulatory policies and procedures. NHTSA believes that this proposal, if adopted, would result in no additional cost to manufacturers and consumers as the proposal would only expand available options for the design of a telltale for factory-installed air bag on-off switches. Accordingly, the agency believes that the economic impacts of this proposal would be so minimal as not to warrant the preparation of a full regulatory evaluation.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, this proposal would have minimal economic impact.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the

extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

V. Comments

Interested persons are invited to submit comments on this proposal. It is requested but not required that two copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and two copies from which the purportedly confidential information has been deleted should be submitted to Docket Management. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received by NHTSA before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and recommends that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket

supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Paragraph S4.5.4.3 of Section 571.208 would be revised to read as follows:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S4.5.4.3 A telltale light in the interior of the vehicle shall be illuminated whenever the passenger air bag is turned off by means of the on-off switch. The telltale shall be clearly visible to occupants of all front seating positions. The telltale:

- (a) Shall be yellow;
- (b) Shall have the identifying words "PASSENGER AIR BAG OFF" on the telltale or within 25 millimeters of the telltale;
- (c) Shall remain illuminated for the entire time that the air bag is "off";
- (d) Shall not be illuminated at any time when the air bag is "on"; and,
- (e) Shall not be combined with the readiness indicator required by S4.5.2 of this standard.

* * * * *

Issued on July 14, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-19155 Filed 7-17-98; 8:45 am]

BILLING CODE 4910-59-U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies Mr. John K. Roberts' petition to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, reflective devices, and associated equipment, to add requirements regarding the maximum time for a stop lamp to reach 90 percent of its required illumination. A requirement of this nature could be met using currently-available technology such as light emitting diodes (LEDs), neon lamps, hot filament systems, or shuttered systems. However, the costs associated with such a requirement would be far in excess of its benefits.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Flanigan, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366-4918. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: By letter dated March 29, 1997, Mr. Roberts petitioned the agency to amend FMVSS No. 108 to create a stop lamp "rise time" requirement. He suggested that the standard require stop lamps to reach 90 percent of their presently-required intensity within 75 milliseconds (ms) following actuation. Conventional incandescent lamps take about 250 ms to reach 90 percent of their required intensity. In an emergency stop situation, this decrease in illumination time would allow an extra fraction of a second (approximately $\frac{1}{6}$ th of a second), for a following driver's brake actuation time.

Vehicle manufacturers could meet this requirement by using one of four currently available technologies. LED and neon lamps, which are both used on current vehicles, could meet the requirement as suggested by Mr. Roberts. These types of lamp systems can illuminate to 90 percent of their required intensity in well under 75 ms. Another method of meeting the suggested requirement would be to use a hot filament incandescent lamp. For this type of system, a conventional incandescent lamp would be constantly supplied with a low voltage which would not be enough to illuminate the lamp, but would decrease the illumination time. This is because the lamp is already supplied with a portion of the energy required for illumination. Finally, a shuttered light system could be used to comply. This type of system uses a centralized light source and individually shuttered fiber optic bundles to distribute and modulate the light sent to the stop lamps.

Mr. Roberts stated that Standard No. 108 should address the time lag

occurring between the actuation of stop lamps and their rise to effective levels of intensity. He believes that the demands on a driver are much greater today than when the standard was promulgated, and therefore, this aspect of stop lamp systems should be regulated. He cites several vehicle design trends which lead him to believe that minimum stop lamp rise times are necessary. These include: enhanced capability for some vehicles to decelerate abruptly due to improved brakes, tires, and suspension systems; the use of lighter (and more electrically resistive) vehicle wiring harnesses to improve vehicle fuel economy; and increasingly overburdened vehicle electrical supply systems. He states that a vehicle travels seven meters or nearly 1.5 car-lengths at typical highway speeds during a typical incandescent lamp's 250 ms rise time.

Agency Position

Based on NHTSA's analyses, the requirement that Mr. Roberts suggested would produce relatively minor benefits. A May 1993 DOT report, "Assessment of IVHS Countermeasures for Collision Avoidance: Rear end Crashes," (DOT HS 807 995) found that both vehicles were moving in only 25 percent of all rear-end crashes. Further, in only four percent of these crashes was "following too closely" or "tailgating" cited as the principal cause. With respect to this one percent of all rear-end crashes (four percent of 25 percent), Mr. Roberts' suggestion would only provide a benefit if all the following conditions were met *simultaneously*: (1) The following driver is attentive enough to notice a $\frac{1}{4}$ th second decrease in stop lamp actuation time; (2) the following distance is so short that the following driver cannot apply the brake fast enough to avoid the collision; (3) the lead driver decelerates so rapidly that the following driver cannot apply the brake fast enough to avoid a collision, and; (4) the following driver applies the brake upon first seeing the stop lamp without waiting for any additional clues such as closing distance reduction, lead vehicle pitching, or tire squeal. Even if all these factors occur, it seems unlikely that even one percent of all rear end crashes would be eliminated or reduced in severity by such a requirement.

While there would be some small level of benefits if Mr. Roberts' suggestion were to be included in the standard, such benefits would be greatly outweighed by the costs involved. LED, neon, and shuttered light systems would cost manufacturers upwards of \$30 per vehicle. The least expensive of the four

available technologies would be the hot filament systems. These systems would cost the industry approximately \$15 per vehicle. To incorporate these systems, vehicles would need extra wiring and circuitry to keep the filament of the incandescent bulb powered to a level that is just below illumination. Based on an annual U.S. production of 16,000,000 vehicles, the suggested requirements would cost at least \$240,000,000 per year to vehicle manufacturers which would be passed on to the consumer. This cost *does not* include manufacturer installation and other costs such as manufacturer and dealer profits. The agency has found in the past that these costs generally add about 50 percent onto the original equipment cost. These additional factors thus would raise the cost to the consumer further. Also, there would be an additional cost incurred by the consumer due to the extra power required to keep the lamp filaments constantly powered. This would lead to an increase in fuel consumption.

In order to confirm our belief that the benefits of fast rise brake requirements would be small, NHTSA analyzed data to compare the crash involvement of vehicles with LED and neon CHMSLs to similar vehicles with conventional incandescent CHMSLs. Specifically, Maryland state files were searched for model year 1994-1996 sport utility vehicles and vans that were struck in the rear while slowing or stopping. These types of vehicles were chosen because they had the highest percentage of vehicles which had LED and neon CHMSLs and were fairly similar in size. When comparing the crash involvement of LED and neon CHMSL vehicles to the incandescent CHMSL vehicles, there was no statistical difference found between designs. This may reflect the relatively small percentage of the vehicle fleet now in service with LED and neon CHMSLs, so that no statistically valid study may yet be conducted. Alternatively, it may be that the effects of lesser rise times do not show up in crash statistics. Whatever the case, the current data do not show safety benefits on the road from this technology.

Although the agency does not have data at this time to support such a requirement, it seems intuitive that there could be some value to a stop lamp illuminating faster. Because there are potential benefits, the agency will revisit this issue in the future when there are more vehicles on the road with LED and neon stop lamps. Based on NHTSA's examination of recent model year vehicles' CHMSLs, manufacturers are moving towards using more LED and neon light sources for this application.

Further, LEDs are beginning to be used as a light source for the main stop lamps as well. When the population increases, perhaps this will give the agency sufficient data to support proposing such a requirement.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Roberts' petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: July 13, 1998.

L. Robert Shelton,

Associate Administrator for Safety
Performance Standards.

[FR Doc. 98-19154 Filed 7-17-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[NHTSA Docket No. 98-4027, Notice 1]

RIN 2127-AG01

Federal Motor Vehicle Safety Standards; Steering Control Rearward Displacement

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

ACTION: Termination of rulemaking.

SUMMARY: This document terminates a rulemaking proceeding in which the agency proposed to exclude from its standard on steering control rearward displacement air bag-equipped passenger cars and other light vehicles certified as complying with the agency's occupant crash protection standard based upon the frontal barrier crash test. The agency proposed this exclusion because the engineering need to provide a stable air bag platform in order to perform consistently during an unrestrained dynamic crash test would ensure that vehicle manufacturers design their vehicles so that there would be little steering control rearward displacement. That necessity would obviate the need for manufacturers to conduct another crash test just to certify steering control rearward displacement performance.

However, since the proposal, the agency has temporarily allowed the manufacturers to certify their vehicles to

the occupant protection standard based upon an unrestrained sled test and a restrained (or belted) barrier test. The capability of the steering column to provide a stable platform for the air bag is not tested in a sled test since no structural deformation of the structure occurs nor does the restrained occupant 30 mph barrier test adequately evaluate the platform stability since the belted dummy does not significantly load the steering assembly. NHTSA anticipates that nearly all manufacturers will certify to the unrestrained occupant protection standard based on the less rigorous sled test procedure. Therefore, the agency is terminating this rulemaking.

FOR FURTHER INFORMATION CONTACT:

On technical matters: Mr. John Lee, in the Office of Crashworthiness Standards, telephone: 202-366-4924, facsimile: 202-493-2739, e-mail: jlee@nhtsa.dot.gov.

On legal matters: Mr. Paul Atelsek, in the Office of the Chief Counsel, telephone: 202-366-2992, e-mail: patelsek@nhtsa.dot.gov.

The mailing address is: National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the March 4, 1995 directive, "Regulatory Reinvention Initiative," from the President to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified several regulations as potential candidates for rescission or amendment. One of these regulations was Standard No. 204, *Steering Control Rearward Displacement*. The agency concluded at that time that requiring compliance with the standard appeared to be redundant for certain vehicles, given the actions which were separately required to be taken to comply with Standard No. 208, *Occupant Crash Protection*.

Standard No. 204 specifies a dynamic crash test to measure the rearward displacement of a vehicle's steering column to ensure that the driver is not "speared" by the column. The standard specifies that the upper end of the steering column and shaft may not be displaced horizontally rearward more than 5 inches (127 mm) in a 30-mile-per-hour frontal barrier crash test. The standard applies to passenger cars and other light vehicles.

Passenger cars and light vehicles are also required to pass a dynamic test specified in Standard No. 208,

Occupant crash protection. For unrestrained occupants, Standard No. 208 requires either a frontal impact crash test into a rigid barrier at 30 mph or a dynamic sled test, with the performance measured by the impact forces on an anthropomorphic test dummy rather than by the displacement of a vehicle component. Air bags became mandatory in all passenger cars on September 1, 1997, and will be required in all light vehicles by September 1, 1998. Since March 19, 1997, it has been permissible to certify vehicles on the basis of a sled test instead of a crash test. The agency believes that the great majority of auto manufacturers are now certifying vehicles using the sled test.

On November 16, 1995, the agency published a Notice of Proposed Rulemaking, (60 FR 57565) proposing that vehicles be excluded from having to comply with Standard No. 204 if these vehicles were certified to comply with the frontal barrier crash test requirements of Standard No. 208 by means of an air bag. The basis for the proposal was that the engineering considerations that govern designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by Standard No. 204. One of the most fundamental engineering considerations when designing an air bag equipped vehicle is to provide a secure platform for the air bag. The designer must know the relative location of the air bag and the protected occupant during a crash because, if the air bag platform were moving up or down, or backward or forward during a crash, it could adversely affect air bag performance.

Since the driver's air bag is located in the steering column, the NPRM stated that the engineering measures necessary to provide a secure air bag platform will also ensure that Standard No. 204's specified performance for steering control rearward displacement is satisfied, even if the standard were no longer applicable. In case the public knew of some factors that NHTSA had not considered, NHTSA also asked for comment on whether there was any possibility that the proposed Standard No. 204 exclusion might result in an increase in injuries not protected against by Standard No. 208. The NPRM stated that the proposed rule would have minor, nonquantifiable cost savings. The public comment period closed on January 16, 1997.

Subsequent to the issuance of the NPRM on Standard No. 204, on March 19, 1997, in order to facilitate the