

### Subpart 105-64.6—Establishing or Revising Systems of Records in GSA

#### § 105-64.601 Procedures for establishing system of records.

The following procedures apply to any proposed new or revised system of records:

(a) Before establishing a new or revising an existing system of records, the system manager, with the concurrence of the appropriate Head of Service or Staff Office, will provide to the GSA Privacy Act Officer a proposal describing and justifying the new system or revision.

(b) The GSA Privacy Act Officer will submit a proposal to establish or revise the system to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget (OMB) for evaluation at least 40 calendar days before the planned system establishment or revision date.

(c) The GSA Privacy Act Officer will publish in the **Federal Register** a notice of intent to establish or revise the system of records at least 30 calendar days before the planned system establishment or revision date.

(d) The new or revised system becomes effective 30 calendar days after the notice is published in the **Federal Register** unless submitted comments result in a revision to the notice, in which case, a new revised notice will be issued.

### Subpart 105-64.7—Assistance and Referrals

#### § 105-64.701 Submittal of requests for assistance and referrals.

Address requests for assistance involving GSA Privacy Act rules and procedures, or for referrals to system managers or GSA officials responsible for implementing these rules to: GSA Privacy Act Officer (CIB), General Services Administration, 1800 F Street N.W., Washington DC 20405.

### Appendix A to Part 105-64—Addresses for Geographically Dispersed Records

Address requests for physically dispersed records, as noted in the system of records notices, to the Regional Privacy Act Coordinator, General Services Administration, at the appropriate regional GSA office, as follows:

*New England Region* (includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), 10 Causeway Street, Boston, MA 02222.

*Northeast and Caribbean Region* (includes New Jersey, New York, Puerto

Rico, and Virgin Islands), 26 Federal Plaza, New York, NY 10278.

*Mid-Atlantic Region* (includes Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, but excludes the National Capital Region), The Strawbridge Building, 20 North 8<sup>th</sup> Street, Philadelphia, PA 19107-3191.

*Southeast-Sunbelt Region* (includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee), Office of the Regional Administrator (4A), 77 Forsyth Street, Atlanta, GA 30303.

*Great Lakes Region* (includes Illinois, Indiana, Michigan, Ohio, Minnesota, and Wisconsin), 230 South Dearborn Street, Chicago, IL 60604-1696.

*The Heartland Region* (includes Iowa, Kansas, Missouri, and Nebraska), 1500 East Bannister Road, Kansas City, MO 64131-3088.

*Greater Southwest Region* (includes Arkansas, Louisiana, Oklahoma, New Mexico, and Texas), 819 Taylor Street, Fort Worth, TX 76102.

*Rocky Mountain Region* (includes Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming), U.S. General Services Administration, DFC, Bldg. 41, Rm. 210, P.O. Box 25006, Denver, CO 80225-0006.

*Pacific Rim Region* (includes Arizona, California, Hawaii, and Nevada), 450 Golden Gate Avenue, San Francisco, CA 94102-3400.

*Northwest/Arctic Region* (includes Alaska, Idaho, Oregon, and Washington), 400 15th Street SW, Auburn, WA 98001-6599.

*National Capital Region* (includes the District of Columbia; the counties of Montgomery and Prince George's in Maryland; the city of Alexandria, Virginia; and the counties of Arlington, Fairfax, Loudoun, and Prince William in Virginia), 7th and D Streets, SW, Washington, DC 20407.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-2006-23651]

RIN 2127-AJ81

### Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In a final rule of August 17, 2005 (70 FR 48295), we updated our standard regulating motor vehicle controls, telltales and indicators. The standard specifies requirements for the location, identification, and illumination of these items. The rule extended the standard's telltale and indicator requirements to vehicles with a Gross Vehicle Weight Rating (GVWR) of 4,536 kg (10,000 pounds) and greater, updated the standard's requirements for multi-function controls and multi-task displays to make the requirements appropriate for advanced systems, and reorganized the standard to make it easier to read. The final rule announced an effective date of February 13, 2006, and a compliance date of February 13, 2006 for requirements applicable to vehicles under 4,536 kg (10,000 pounds) GVWR.

In response to a petition for extension of the effective date from the Alliance of Automobile Manufacturers (Alliance), this final rule announces a delay in the effective date to September 1, 2006. The additional time allows us to consider issues raised by the Alliance and other petitioners in petitions to reconsider certain items and identifications described in the August 17, 2005 final rule.

**DATES:** *Effective date:* The effective date of the rule amending 49 CFR 571.101 published at 70 FR 48295, August 17, 2005 is delayed until September 1, 2006.

*Compliance date:* The compliance date for the extension of the standard's telltale and indicator requirements to vehicles with a GVWR of 4,536 kg (10,000 pounds) or greater is September 1, 2013. The compliance date for all other requirements is delayed until September 1, 2006. Voluntary compliance is permitted as of August 17, 2005.

*Petitions for reconsideration:* Petitions for reconsideration of this final rule must be received not later than March 10, 2006.

**ADDRESSES:** Petitions for reconsideration of the final rule must refer to the docket and notice number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, with a copy to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues you may call Ms. Gayle Dalrymple, Office of Crash Avoidance

Standards at (202) 366-5559. Her fax number is (202) 366-7002. For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366-2992. Her fax number is (202) 366-3820. You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### Background

NHTSA issued the original version of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays*, in 1967 (32 FR 2408) as one of the initial FMVSSs. The standard applies to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses. The purpose of FMVSS No. 101 is to assure the accessibility and visibility of motor vehicle controls and displays under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

At present, FMVSS No. 101 specifies requirements for the location (S5.1), identification (S5.2), and illumination (S5.3) of various controls and displays. It specifies that those controls and displays must be accessible and visible to a driver properly seated wearing his or her safety belt. Table 1, "Identification and Illumination of Controls," and Table 2, "Identification and Illumination of Displays," indicate which controls and displays are subject to the identification requirements, and how they are to be identified, colored, and illuminated.

##### Final Rule

In the final rule of August 17, 2005, NHTSA amended FMVSS No. 101 by extending the standard's telltale and indicator requirements to vehicles of Gross Vehicle Weight Rating (GVWR) 4,536 kilograms (10,000 pounds) and over, updating the standard's requirements for multi-function controls and multi-task displays to make the requirements appropriate for advanced systems, and reorganizing the standard to make it easier to read. Table 1 and Table 2 continue to include only those symbols and words previously specified in the controls and displays standard or in another Federal motor vehicle safety standard. However, both Tables 1 and 2 were reorganized to make the symbols and words easier to find.

The final rule announced an effective date of February 13, 2006 for requirements applicable to passenger cars, multipurpose passenger vehicles, trucks and buses under 4,536 kg GVWR.

##### Extension of Effective Date

In a petition dated October 3, 2005, the Alliance of Automobile Manufacturers (Alliance) petitioned for a delay in the final rule's effective date to September 1, 2006. The Alliance stated its position that the final rule "imposes a number of new requirements that will become applicable to passenger cars and other light-duty vehicles effective February 13, 2006." The Alliance asked for the delay to give NHTSA enough time to respond to the Alliance's petition for reconsideration, filed as a separate document, and also dated October 3, 2005.

Although NHTSA stated that the final rule would not require design changes, but would relieve restrictions on vehicle manufacturers, the Alliance asserted that certain final rule provisions will require vehicle redesign that cannot be completed by the February 13, 2006 effective date. The Alliance stated: "These new requirements are included in: S5.2.1; S5.3.2.2(b); S5.3.4(d); S5.4.3, and S5.5.2. In addition appropriate changes are needed to Table 1 and Table 2 along with their respective footnotes." The Alliance asserted that the additional time will allow NHTSA to review and take "final action" on the issues raised in the Alliance's petition for reconsideration.

After considering the rationale explaining the need to maintain the status quo while NHTSA considers the Alliance's petition for reconsideration, NHTSA has decided that it is in the public interest to grant the Alliance's petition. By delaying the effective date to September 1, 2006, NHTSA will be able to reconsider certain required items and identifications described in the August 17, 2005 final rule before they become mandatory. Manufacturers will not have to make vehicle redesigns that they have informed NHTSA they will not be able to complete by February 13, 2006. Since voluntary compliance has been permitted as of August 17, 2005, those manufacturers that are able to comply by February 13, 2006 may continue to do so. Moreover, because the safety benefits of the final rule are very small, there will be no measurable effect on safety as a result of this delay in effective date. Therefore, NHTSA delays the effective date of the final rule of August 17, 2005 (70 FR 48295) to September 1, 2006. We will also consider other timely petitions for reconsideration of this final rule that we have already received.

##### Rulemaking 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 or 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, NHTSA concludes that this final rule will not have any quantifiable cost effect on motor vehicle manufacturers. This final rule delays from February 13, 2006 to September 1, 2006, the effective date for the FMVSS No. 101 final rule published on August 17, 2005. Since the delay in the effective date is intended to maintain the status quo while NHTSA considers the issues in the Alliance's petition for reconsideration, manufacturers will incur no costs as a result of the delay in the effective date. The August 17, 2005 final rule removed a regulatory restriction (for multi-function controls) requiring identification "on or adjacent to" the controls and provided for immediate optional voluntary compliance. Thus, manufacturers benefiting from the amendment to FMVSS No. 101's "on or

adjacent" to requirement will not be affected by the delay in the effective date. Also, because the safety benefits of this final rule are very small, there will be no measurable effect on safety as a result of this delay in effective date.

Because the economic effects of this final rule 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). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity "which operates primarily within the United States." (13 CFR 121.105(a)). No regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

The Head of the Agency has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The statement of the factual basis for the certification is that this final rule delays until September 1, 2006, the effective date of the final rule published on August 17, 2005. As earlier stated, no small business manufacturer will incur costs as a result of this final rule.

For these reasons, and for the reasons described in our discussion on Executive Order 12866 and DOT Regulatory Policies and Procedures, NHTSA concludes that this final rule will not have a significant economic impact on a substantial number of small entities.

#### *C. National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of

this action would not have any significant impact on the quality of the human environment.

#### *D. Executive Order 13132 (Federalism)*

Executive Order 13132 requires NHTSA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." The Executive Order defines "policies that have federalism implications" to include regulations that have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, NHTSA may not issue a regulation with federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or the agency consults with State and local officials early in the process of developing the regulation. NHTSA also may not issue a regulation with federalism implications and that preempts State law unless the agency consults with State and local officials early in the process of developing the regulation.

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria set forth in Executive Order 13132. The agency has determined that this rule will not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. This rule will not have any substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. The reason is that this final rule applies to motor vehicle manufacturers, and not to the States or local governments. Thus, the requirements of Section 6 of the Executive Order do not apply.

#### *E. Executive Order 12988 (Civil Justice Reform)*

Pursuant to Executive Order 12988 "Civil Justice Reform," we have considered whether this final rule would have any retroactive effect. NHTSA concludes that this final rule will 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.

#### *F. Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid Office of Management and Budget (OMB) control number. This final rule does not require any collections of information, or recordkeeping or retention requirements as defined by the OMB in 5 CFR part 1320.

#### *G. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272) directs NHTSA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs the agency to provide Congress, through the OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have determined that there is no applicable voluntary consensus standard for this final rule, which delays the effective date of the August 17, 2005 final rule amending FMVSS No. 101.

#### *H. Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by

State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires NHTSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows NHTSA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the agency publishes with the final rule an explanation why that alternative was not adopted.

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of more than \$100 million annually. Accordingly, this rule is not

subject to the requirements of sections 202 and 205 of the UMRA.

#### *I. Plain Language*

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make this rulemaking easier to understand?

If you have comments on the Plain Language implications of this final rule

document, please address them to the DOT Docket Number cited in the heading of this notice.

#### *J. Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30166, and 30177; delegation of authority at 49 CFR 1.50.

Issued on: January 13, 2006.

**Jacqueline Glassman,**

*Deputy Administrator.*

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