

chemicals, including lead and lead compounds, will be valuable to communities and will significantly enhance their knowledge about toxic chemical releases and other waste management activities that may be of concern to them. At the same time, EPA recognizes that the August 3, 1999 proposal, along with the rule lowering reporting thresholds for various other PBT chemicals (64 FR 58666), will increase the total burden imposed by the TRI program on facilities that must provide the information. EPA has therefore initiated a number of burden reducing activities in the TRI program to help minimize reporting burden, while continuing to provide communities with high quality right-to-know information to meet the goals and objectives of EPCRA section 313. For example, EPA is developing reporting guidance, including guidance specifically for small businesses, which will simplify and ease reporting burdens. These efforts include the development of intelligent reporting software with built-in error checking routines and calculation methodologies; the development of a single facility identification program for facilities that report to EPA; and the development of guidance to facilitate more consistent use of chemical nomenclature, reporting units, and time frames across different programs.

As a means of identifying other potential areas for reducing TRI reporting burden, EPA initiated an intensive stakeholder process to comprehensively evaluate current TRI reporting. An important part of this stakeholder process was a review conducted by the Toxics Data Reporting (TDR) Committee of the National Advisory Council on Environmental Policy and Technology (NACEPT). The TDR Committee report is available on the Internet at [www.epa.gov/tri](http://www.epa.gov/tri), and is also discussed in the proposed rule (see 64 FR 42222, at 42224). Although the TDR Committee did not reach final consensus on most issues, the TDR Committee presented various ideas for burden reduction, including the creation of an intelligent software program for reporters, the integration of reporting across programs, the provision of industry-specific guidance, the expansion of the EPCRA section 313 exemptions, and options for increasing eligibility for the alternate threshold as certified by Form A.

In addition to the TDR Committee report, EPA has received other suggestions for burden reduction in the TRI program. Although EPA has already requested comment on the suggestion that EPA effectively modify the

frequency of reporting for PBT chemicals (see 64 FR 688, at 718), and lead and lead compounds (Unit III.C. of the proposed rule), it has been suggested that EPA consider changing the frequency of reporting under EPCRA section 313 in general, i.e., require biennial reporting. EPA is requesting comment on the utility of biennial reporting and whether that approach would provide for significant burden reduction for affected facilities. EPA welcomes comment on the availability of information that would allow the Agency to make the requisite findings under EPCRA section 313(i)(3)(B), especially how consideration of alternate reporting requirements should pertain to the facilities in the recently added industry sectors for which first reports have just recently been received, the lack of readily available information on EPCRA section 313 chemicals from existing sources, and what available information may exist to allow EPA to address the requirements of the law.

EPA places great importance on reducing burden on the public and is currently considering the various suggestions it has received, including the ideas in the TDR Committee report, and others received from industry and other agencies. EPA welcomes additional suggestions, and specifically requests comment on the ideas presented in the TDR Committee report, particularly those that relate to burden reduction.

#### List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: November 9, 1999.

**Susan H. Wayland,**

*Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 1300

RIN: 1004-AC73

[WO-420-1430-00-24 1A]

#### Definitions

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This publication withdraws a proposed rule that would have created a central glossary of definitions of terms used throughout the regulations of the Bureau of Land Management.

**DATES:** November 15, 1999.

**ADDRESSES:** Send suggestions and inquiries to Director (630), Bureau of Land Management, Room 401 LS, 1849 C Street, NW, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Ted Hudson at (202) 452-5042.

**SUPPLEMENTARY INFORMATION:** A rule proposing to create a central glossary of definitions, and proposing conforming amendments, was published in the **Federal Register** on November 19, 1996 (61 FR 58843). This proposed rule is withdrawn. The Department of the Interior plans no further action on this rule.

Dated: November 5, 1999.

**Sylvia V. Baca,**

*Acting Assistant Secretary of the Interior.*

[FR Doc. 99-29718 Filed 11-12-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 99-3881]

RIN No. 2127-AH21

#### Federal Motor Vehicle Safety Standards; Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect

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

**ACTION:** Withdrawal of rulemaking.

**SUMMARY:** This document withdraws the rulemaking in which NHTSA was considering whether to propose to amend its safety standard for transmission shift lever sequence. This rulemaking was in response to a petition received from BMW of North America, Inc. (BMW). BMW has been exploring the possibility of producing vehicles with electronically-controlled transmissions that do not use the conventional shift lever, but instead could employ shift mechanisms such as a rotary switch, keypad, touch screen, joystick, voice activation, or some other method. The joystick and other systems which employ lever-like designs, however, may not comply with requirements for the transmission shift lever sequence.

NHTSA is willing to consider the possibility of modifying the present standardized shift lever sequence of Park, Reverse, Neutral, Drive, Low, or "PRNDL," if the standardized approach were shown to be a needless impediment to new technology. However, BMW has informed the agency that its anticipated joystick design complies with the existing standardized shift lever sequence. Therefore, there is currently no demonstrated need for the agency to modify its standardized approach to allow the introduction of new technology. For this reason, the rulemaking action in this area is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** *For technical issues:* 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 and his facsimile number is (202) 366-4329.

*For legal issues:* Ms. Dorothy Nakama, Rulemaking Division, Office of Chief Counsel, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Nakama's telephone number is (202) 366-2992 and his facsimile number is (202) 366-3820.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Standard No. 102's purpose is to reduce deaths and injuries resulting from misshifting. Since 1968, the standard has ensured against misshifting by specifying the transmission shift lever sequence for automatic transmissions. Paragraph S3.1.1 of the standard, "Location of transmission shift lever positions on passenger cars," requires that:

A neutral position shall be located between forward drive and reverse drive positions. If a steering-column-mounted transmission shift lever is used, movement from neutral position to forward drive position shall be clockwise. If the transmission shift lever sequence includes a park position, it shall be located at the end, adjacent to the reverse drive position.

Under these requirements, the driver must move the shift lever serially to get from one position to another. For instance, if a vehicle is in park, to get to drive, the driver must move the shift lever serially through two positions: reverse, neutral, and then to drive. Moreover, with the neutral position required to be between reverse and drive, this further ensures that no mistakes in selection will be made. The neutral position provides a buffer zone between forward and reverse. Therefore,

if there was a mistake in moving the shift lever, it is more than likely that the vehicle would end up in neutral instead of drive or reverse.

The main type of misshifting the standard seeks to prevent is when a driver initiates forward or rearward motion from a standstill. For example, if a driver intends to leave a parking space by placing a vehicle in reverse and accidentally places the vehicle in drive, there is a potential for pedestrians or other vehicles to be struck. The required shift lever sequence minimizes this safety risk by specifying that a driver must always follow a standardized sequence to get to the desired gear.

**II. BMW's Petition**

BMW petitioned the agency to amend Standard No. 102 on November 19, 1997. As stated above, it is considering manufacturing electronically-controlled transmissions that would not use the conventional mechanical shift lever as current vehicles with both electronically-controlled and mechanically-controlled transmissions. The systems could use unconventional methods of initiating shift changes (rotary switches, keypads, touch screens, joysticks, voice activation, or other methods). For a mechanically-controlled transmission, a shift lever is moved, which activates a linkage or cable that positions the transmission's linkage in the desired gear. When the shift mechanism on an electronically controlled system is moved, it sends an electric signal to a control on the transmission to place the transmission in the desired gear.

Standard No. 102 establishes four primary requirements for vehicles with automatic transmissions. First, it specifies a shift lever sequence for automatic transmissions and requires a neutral position to be located between forward drive and reverse drive positions. Second, it requires a transmission braking effect for vehicles having more than one forward transmission gear ratio. Third, it requires that the engine starter be inoperative when the transmission is in a forward or reverse drive position. Fourth, it requires that identification of shift lever positions shall be displayed in view of the driver.

BMW stated in its petition that the requirements to provide a transmission braking effect and a starter interlock when the transmission is in a forward or reverse drive position do not pose any problems for their newer design. Thus, the focus of BMW's petition and the request for comments was on the first and fourth requirements identified

above—the shift lever sequence for automatic transmissions and the requirement that the shift lever sequence be displayed in view of the driver.

With respect to the shift lever sequence, BMW indicated that future shifting designs, especially joysticks, could move along two axes, instead of the single axis associated with conventional shift levers. That is, instead of moving around the steering column or forward and backward like conventional shift levers, joysticks and keypads shift by moving forward and backward and left and right. Adding this second axis of movement would make compliance with the shift lever sequence requirement and the requirement to display the shift lever sequence, in the words of BMW's petition, "inappropriate, impracticable, and sometimes impossible."

BMW also believes that because the shift lever sequence requirements refer to shift "levers," Standard No. 102 would not apply to shifting mechanisms that do not employ a mechanical lever. It asserts that the standard was based on mechanical shift levers and its requirements were written to endorse the then-current industry practice of using a shift lever even though other means of gear selection (e.g., push buttons) had existed in the past and could possibly be reintroduced in the future. It states that, "to avoid 'out-lawing' such other designs, the wording in these requirements was intentionally chosen to clearly apply only to transmissions with *mechanical shift levers.*"

BMW asked that three requirements be added to Standard No. 102 that relate to systems without mechanical transmission levers. Its suggested regulatory text is as follows:

S3.1.5 Systems without mechanical transmission levers.

S3.1.5.1 The engine starter shall be inoperative whenever a forward or reverse drive gear is engaged.

S3.1.5.2 Each transmission gear available for selection, how each available transmission gear can be selected, and which gear has been selected shall be displayed in view of the driver whenever any of the following conditions exist:

(a) The ignition is in a position where the transmission can be shifted.

(b) The transmission is not in park.

S3.1.5.3 Each system shall prohibit the following:

(a) shifting from drive to reverse and from reverse to drive at any speed above five kilometers per hour (km/h) (3.1 miles per hour (mph)).

- (b) shifting into park from any gear at any speed above three km/h (1.9 mph).

### III. Request for Comments

On June 4, 1998 (63 FR 30449), in response to BMW's petition, NHTSA published a request for comments which posed the following questions to determine the merits of allowing transmission shift mechanisms which change the transmission's gears in a non-serial manner.

1. Should Standard No. 102 be amended to permit transmission shift mechanisms which allow changing gears in a non-serial manner, e.g., keypads, touch screens, push buttons, voice activation, etc.? If these non-serial shift mechanisms were allowed, what types of restrictions, if any, should be placed on them to reduce the likelihood of misshifting? Please be specific.

2. Should the standard specify maximum speeds at which the transmission can be shifted, presuming that additional safety concerns exist that could be resolved by preventing shifting while a vehicle is in motion? If so, are the maximum speeds and the vehicle conditions that BMW has suggested in its petition appropriate? If not, what speeds and conditions would be appropriate?

3. Should there be a requirement that the brake pedal be depressed, or any other action, to achieve a failsafe condition to occur in order to initiate a change in gears (except when switching between drive and lower forward gears)?

4. If non-serial shift mechanisms were allowed, how should the display requirements be altered to accommodate them?

5. Although BMW did not raise any issues regarding transmission braking effect, the agency would like to get comments on this requirement. The standard states that "[i]n vehicles having more than one forward transmission gear ratio, one forward drive position shall provide a greater degree of engine braking than the highest speed transmission ratio at vehicle speeds below 40 kilometers per hour." The only way the standard permits this requirement to be met is through the transmission braking effect. Should the requirement be less specific by allowing other means of slowing down the vehicle when the transmission is shifted into a lower forward gear? This could be accomplished when downshifting the transmission by controlling the vehicle's brake system via a traction control system, using a drive line retarder, using regenerative braking, or some other method.

### IV. Comments and Agency Response

After reviewing the information submitted by BMW and the comments submitted to the notice, NHTSA has decided to withdraw our rulemaking on this issue. NHTSA is concerned about giving up the benefits of the standardized shift lever sequence. We would, however, be willing to do so if it were shown that the current standardized shift lever sequence was a needless impediment to new designs AND that there was no continuing need to standardize shift lever sequence or that some other sort of standardization would achieve the benefits without blocking new technology. In this case, BMW asked for and got an interpretation dated September 25, 1998 that said its contemplated shift lever sequence would not violate the existing requirements. Given that BMW's current plans do not give rise to the problems it identified in its petition and that no other commenter gave any information on designs where the standardized shift lever sequence would be a problem, it does not appear that there is any compelling reason in 1999 to do away with the benefits of a standardized shift lever sequence.

NHTSA received seven comments on the June 1998 notice. Of the comments received, five were from vehicle manufacturers (BMW, Meritor Automotive, Inc. (Meritor), Nissan North America, Inc. (Nissan), Mercedes-Benz of North America (Mercedes), and, filing jointly, the American Automobile Manufacturers Associations and the Association of International Automobile Manufacturers, Inc. (AAMA/AIAM)). One comment was from a safety advocacy group (Advocates for Highway and Auto Safety (AHAS)), and one was from a private citizen, Mr. John Chevedden.

#### A. Shift Lever Sequence

A significant question in the notice was whether the current shift lever sequence requirements should permit non-serial shift mechanisms. Only AHAS believed this should not be permitted. AHAS felt that any manufacturer asking for an amendment of the standard to allow non-serial shifting "should demonstrate a compelling need and an equivalent, if not superior, safety outcome resulting from such changes." It did not feel that BMW has done this in its petition. The rest of the commenters supported the allowance of non-serial shifting. In fact, AAMA/AIAM argued that the standard does not currently preclude non-serial shifting. AAMA/AIAM stated that the standard specifies "gear locations in

relationship to one another, but it does not state that the act of shifting must be accomplished serially—or in any particular sequence." AAMA/AIAM further stated that the Society of Automotive Engineers (SAE) standards upon which Standard No. 102 is based are worded so as not to preclude push button transmissions.

Subsequent to the request for comments being published, BMW submitted a request for interpretation. This request was more specific in that it focused on the placement of the park control mechanism in the shift lever sequence. Also, in a meeting to discuss this request for an interpretation, BMW presented to the agency the design of the shifting mechanism it would like to use in a future vehicle model. With this design, a button that is separate from the shift lever is depressed to place the transmission in park. The rest of the transmission positions are activated from a joystick on the steering column. Pushing the joystick up places the transmission in reverse and pushing it down places it in drive. The lever comes back to the center (neutral) position after each gear change. The agency found nothing in the current standard that precludes BMW from implementing this new design. This view was given to BMW in the agency's written response to its request for interpretation.

Upon further consideration, NHTSA has concluded that some of its discussion in the request for comments could be incorrectly read as precluding non-serial shift mechanisms that do not use a "shift lever," such as pushbuttons, keypads, or touch screens. We agree with the manufacturers' observations that Standard No. 102 only specifies a sequence for shift "levers." Therefore, possible automatic transmission designs like pushbuttons, keypads, and touch screens are not subject to the shift lever sequence requirements, since they have no levers.

However, we do not agree with BMW's suggestion that the shift lever sequence requirements apply only to transmission designs that use a mechanical shift lever. The Random House Dictionary of the English Language defines a "lever" as: "any rigid bar, straight or bent, that oscillates about a pivot and acts with other parts in the manner of a lever." This definition is broad enough to encompass conventional shift levers, regardless of whether they are on a mechanically or electronically controlled transmission, the joystick design BMW has chosen to pursue, or any other lever design. Any automatic transmission that uses a lever must comply with the shift lever

sequence requirements in Standard No. 102.

In addition, we have said that the design BMW intends to implement is not precluded by the standard. However, we are concerned that non-serial shift methods may not be as effective in preventing misshifting as those which are shifted serially. While Standard No. 102 only has a sequence requirement for shift levers, the result of the standard has been that all automatic transmission shift mechanisms are shifted serially in a PRNDL pattern. We believe that this standardization has been an important factor in the prevention of misshifting.

We are concerned that, as new designs for automatic transmissions that do not use a shift lever come into the market, there is nothing in Standard No. 102 to prevent misshifting in those vehicles. Since the public will be unfamiliar with those new designs, they would seem to be more at risk for misshifting. To address these concerns, NHTSA is studying what can be done to prevent misshifting on vehicles whose automatic transmission does not use a shift lever. Among other approaches, NHTSA is specifically considering the effectiveness and appropriateness of a requirement for automatic transmissions that the brake pedal be depressed to shift the vehicle out of the park position.

#### B. Other Issues

The agency also requested comments on a number of other issues related to Standard No. 102. First, the notice asked whether it would be appropriate to specify a maximum speed at which the transmission can be shifted between forward and reverse. BMW was the only commenter that saw some possible merit in a requirement of this type. However, BMW believes that the requirements would have to be vehicle-specific. For example, sport utility vehicles may need a higher maximum speed for the purpose of rocking the vehicle when it gets caught in mud or snow. Nissan and AAMA/AIAM both

stated that this type of a requirement is not necessary. Nissan feels that the purpose of the standard is to prevent misshifting when the vehicle is at a standstill.

After considering the comments, we have determined that there is no current need for such a requirement. Ensuring that transmissions are not shifted between forward and reverse at higher speeds does more to protect the condition of the transmission than the vehicle occupants. Crashes resulting from a vehicle being shifted into an inappropriate gear, e.g., placing the transmission in reverse while traveling 55 miles per hour on a highway, are rare. We believe it is the duty of the manufacturer to determine the best way to protect the transmission from damage while in use.

The notice also asked whether there should be a requirement that the brake pedal be depressed, or some other action, in order to initiate a gear change between forward and reverse. BMW, Meritor, Nissan, and AASMA/AIAM were all opposed to this. They felt that it could be design restrictive. None of the commenters were in favor of such a requirement.

As noted above, the agency is considering such a requirement that the brake pedal be depressed in order to shift a vehicle out of Park as one alternative for addressing misshifting, even though no commenters supported such an amendment. The agency believes that this idea may have some merit, especially if shift mechanisms become more diverse. Therefore, this issue will be discussed if any future rulemaking is undertaken in this area.

Comments were requested on how display requirements should be changed, if at all, to accommodate non-serial shifting methods. BMW stated that the display should show gear positions, but not their positions relative to each other. For example, if a joystick were used, showing the actual relationship might require a three dimensional display. This could lead to confusion. Meritor also stated that *only*

the currently engaged gear should be displayed. Nissan stated that no specific display should be required as it may restrict technology. AAMA/AIAM stated that the current display requirements should be maintained regardless of the method of shifting.

We have determined that the current display requirements should not be changed at this time. This is another aspect of vehicles with automatic transmissions that has remained unchanged for thirty years. Absent any demonstrated need for such a change, NHTSA is not proposing its display requirement now.

Finally, regarding the transmission braking effect, the notice asked whether the standard should be less specific by allowing other means of slowing down the vehicle when the transmission is shifted into a lower forward gear. BMW, Meritor, Nissan, and AAMA/AIAM all felt that alternatives should be allowed for this requirement. While these commenters all supported the concept of creating alternatives to meet the transmission braking effect, none was able to offer any specific discussion of how to achieve that concept. Because this issue appears to be technically challenging, the agency will not consider it further until there has been a more thorough discussion of the issues.

For the reasons set forth above, NHTSA has decided to withdraw the rulemaking action on whether to issue a proposal to amend the Standard No. 102 to add requirements for vehicles without conventional mechanical transmission shift levers.

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

Issued on: November 8, 1999.

**Stephen R. Kratzke,**

*Acting Associate Administrator for Safety Performance Standards.*

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