

Comments should include data on the frequency of such crashes or events, if available.

The agency also invites comments on the extent of any risks of children being injured in motor vehicles if parents are discouraged from bringing shield-type booster seats along on their combined air and land trips, and whether parents would in fact be so discouraged. If parents are so discouraged, the booster seat might not be available for motor vehicle use during the land portion of their trips, and parents might not obtain a restraint from another source. In addition, the agency requests additional comments and information on the number of shield-type booster seats currently used by children on aircraft, and how the proposed ban would affect the decisions of parents in selecting and purchasing child restraints.

### **Regulatory Evaluation Summary**

Changes to Federal regulations are required to undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. With respect to this notice, the FAA has determined that it: (1) is "a significant regulatory action" as defined in the Executive Order; (2) is significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not constitute a barrier to international trade. The FAA does not believe that this proposal would impose any significant costs on the public. Therefore, a full regulatory analysis, which includes the identification and evaluation of cost-reducing alternatives to this notice, has not been prepared. Instead, the agency has prepared a more concise analysis of this notice that is presented in the following paragraphs.

### **Costs and Benefits**

There would be some compliance costs associated with this notice. This proposed rule will reduce the types of child restraint systems that can be used during ground movement, takeoff, and landings by prohibiting the use of all booster seats and vest- and harness-type child restraint systems during these phases of a flight. The restrictions on

the use of these devices would need to be incorporated into flight attendant training and included in flight manuals, and this will impose additional costs on air carriers. For a period of time after the proposed rule becomes effective, there will also be some public education necessary and potential flight delays when flight attendants tell parents who brought prohibited child restraint devices on board the aircraft that the devices are banned for use during takeoff, landing, and movement on the ground. The FAA specifically requests comments on the cost of this notice, however.

The FAA has determined that booster seats and vest- and harness-type devices put children in a potentially worse situation than the alternatives during an aircraft crash. According to the CAMI study, these child restraint systems do not securely hold a child in place in an aircraft crash, and may themselves even cause harm to a child in the event of a crash. These types of accidents, while they rarely happen, usually occur during the takeoff or landing phases of a flight. Thus, prohibiting the use of these child restraint systems during takeoff and landing will enhance the child's safety. Since it is impractical to expect flight attendants to monitor, just prior to takeoff, whether children are out of banned devices, the FAA is prohibiting the use of these devices during movement on the surface also.

### **Regulatory Flexibility Determination**

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a proposed rule will have "a significant economic impact on a substantial number of small entities." FAA Order 2100.14A outlines FAA's procedures and criteria for implementing the RFA. Small entities are defined as independently owned and operated small businesses and small not-for-profit organizations. This proposed rule will impose unquantified costs on air carriers. These costs include changing manuals and training flight attendants about the restrictions on the use of certain child restraint devices. Initially, there may be some public education necessary and possible flight delays when flight attendants tell parents or guardians that they may not use certain child restraint devices during ground movement, takeoff, or landing. However, the FAA believes that this proposed rule will not have a significant economic impact on a substantial number of small entities.

### **International Trade Impact Assessment**

This notice would not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services to the United States.

### **Federalism Implications**

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and that of any state, or on the distribution of power and responsibilities among the various levels of government. The respondents affected by the proposed amendments are private citizens, not state governments. Therefore, in accordance with Executive Order 12612, it is determined that this regulation would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### **Conclusion**

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is a significant regulatory action under Executive Order 12866. This rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it is certified that this proposed rule would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **List of Subjects**

#### **14 CFR Part 91**

Air carriers, Air transportation, Aviation safety, Safety.

#### **14 CFR Part 121**

Air carriers, Air transportation, Aviation safety, Common carriers, Safety, Transportation.

#### **14 CFR Part 125**

Air carriers, Air transportation, Aviation safety, Safety.

#### **14 CFR Part 135**

Air carriers, Air taxi, Air transportation, Aviation safety, Safety.

### **The Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 91, 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 135) as follows: