

June or July. NHTSA has determined that a September 1, 1996 effective date for built-in restraints gives motor vehicle manufacturers sufficient leadtime to both evaluate their products and make any necessary changes to them, and prepare the labels and owners manuals for the new model vehicles without unnecessary burdens. For the reasons given above, there is good cause shown that the September 1996 effective date is in the public interest.

### III. Rulemaking Analyses and Notices

#### *a. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." The agency has considered the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures, and has determined that it is not "significant" under them. NHTSA has prepared a final regulatory evaluation for this action which discusses its potential costs, benefits and other impacts. A copy of that evaluation has been placed in the docket for this rulemaking action. Interested persons may obtain copies of the evaluation by writing to the docket section at the address provided at the beginning of this document.

To briefly summarize the evaluation, the cost per test is estimated to be \$1,337. There are approximately 47 different models of child restraints on the market with an estimated total of 185 adjustment positions. Since each restraint would be subject to testing with two dummies rather than one, the incremental testing cost is one dummy per restraint position. Total cost for all manufacturers is estimated to be \$247,345. Redesign costs have not been estimated.

The agency cannot quantify the benefits of this rulemaking. However, NHTSA believes that benefits will accrue by virtue of upgraded test procedures that better ensure that child restraints adequately restrain and protect the children recommended for a restraint.

#### *b. Regulatory Flexibility Act*

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that it will not have a significant economic impact on a substantial number of small entities. The agency knows of 13 manufacturers of child restraints, seven of which NHTSA considers to be small businesses

(including Kolcraft, which with an estimated 500 employees, is on the borderline of being a small business). This number does not constitute a substantial number of small entities. Regardless of this number, NHTSA does not believe this rule will have a significant impact on small businesses. This rule may have an impact on the shield-type booster seat market, in that a manufacturer may have to redesign its seat if it cannot pass the standard's test with the new six-year-old dummy. However, the agency does not know of any such booster at this time. This rule increases the testing that NHTSA conducts of child restraints, which in turn increases the certification responsibilities of manufacturers. However, the agency does not believe such an increase constitutes a significant economic impact on small entities, because these businesses currently must certify their products to the dynamic test of Standard 213. That is, the products of these manufacturers already are subject to dynamic testing using child test dummies. The effect of this rule on most child seats is to subject them to testing with an additional dummy. Assuming there are shield boosters that could not be certified as meeting Standard 213 when tested with an additional dummy, small manufacturers producing those boosters would have to redesign those restraint systems to meet the standard. However, those manufacturers could decide to replace nonconforming shield boosters with belt-positioning boosters (which use a vehicle's Type II belts system), which are easier to certify to Standard 213's requirements than shield boosters. NHTSA expects that all manufacturers will enter the belt-positioning booster market. Some manufacturers might also relabel their restraints as being suitable for a smaller weight range of children, to avoid having their restraints tested with a particular test dummy that the restraint cannot restrain (e.g., the 6-year-old child dummy).

Small organizations and governmental jurisdictions might be affected by this rule if these entities procure child restraint systems for programs such as loaner programs. While the cost of child restraints could increase, the agency believes the cost increase would be minimal. Further, available information indicates that only a small percentage of loaner programs carry booster seats, the type of child restraint system most likely to be affected by this rule. Thus, loaner program procurements will not be significantly affected by today's rule.

#### *c. Executive Order 12612 (Federalism)*

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the agency has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *d. 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 will not have any significant impact on the quality of the human environment.

#### *e. Executive Order 12778 (Civil Justice Reform)*

This rule does not have any retroactive effect. Under section 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.

#### **List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as set forth below.

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for Part 571 continues to read as follows:

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

2. Section 571.213 is amended by—  
 a. Revising S5, the introductory paragraph of S5.1.2, S5.1.3.1(a) and (b), S5.1.3.2, the introductory paragraph of S5.2.1.2, S5.2.2.2(b), S5.2.3.1, S5.4.3.2, the introductory text of S5.4.3.3 and of S5.4.3.3(c), the introductory text of S5.4.3.5, S5.4.3.5(a) and (b), S5.5.2(f), S5.5.5(f), and S6 through S8.2.6, and  
 b. Adding S9, S9.1, S9.2, S9.3, S10, S10.1, S10.2, S10.2.1 and S10.2.2, to read as follows: