the date on and after which any vehicle or item of equipment subject to a rule must comply with the requirements of the rule. The Federal Register uses different terminology. It calls this date the rule's "compliance date," not its ''effective date.'' For Federal Register purposes, the "effective date" of a rule is the date on which the Code of Federal Regulations (CFR) is amended to reflect the changes set forth in the rule. Since the amendments of a rule appear in the CFR on the "effective date" of the rule, amendments cannot vary in effective date by subject matter, e.g., a rule cannot have one effective date for addon systems and another for built-in systems.

On September 29, 1995 (60 FR 50477). NHTSA corrected the error by correcting the DATES section of the final rule to specify that the rule is effective (as the Federal Register uses that term) on January 3, 1996, with two provisos. The provisos, relating to the compliance dates of the rule, are as follows:

However, manufacturers of built-in child restraint systems may comply with existing requirements for built-in systems (as of July 6, 1995) until September 1, 1996.

Manufacturers of add-on child restraint systems may comply with existing requirements for add-on systems (as of July 6, 1995) until January 3, 1996.

The correction conformed the wording of the DATES section to Federal Register drafting practices. It did not affect the compliance date of the amendments made by the rule. Thus, beginning January 3, 1996, each add-on restraint would have to meet the performance criteria and labeling requirements specified in the standard when tested with the test dummies specified by the rule, including, if appropriate for a particular restraint, the newly-adopted dummies.

## Petitions for Reconsideration of Compliance Date

Cosco Inc. and Gerry Baby Products Company, two manufacturers of add-on child restraint systems, petitioned for reconsideration of the January 3, 1996 compliance date for add-on restraints. Both manufacturers requested NHTSA to change the date to September 1, 1996, to make the compliance date the same as that for built-in restraint

In support of its petition, Cosco said it needs a leadtime longer than 180 days to test its products and make needed design and tooling changes. Cosco disagreed with NHTSA's statement in the final rule that "No comment was received on leadtime for add-on restraints." (60 FR at 35137) Cosco said it had commented on the issue, and

quoted a statement in its comment which stated: "Whatever changes are made to the standard, Cosco reminds NHTSA that manufacturers need enough time to deplete inventories of printed materials (at least 6 months) or develop complying designs (up to 2 years)." In its petition, Cosco said that:

While this two year time period may be compressed to some degree, certain critical elements of the design, development, tooling and testing of a new add-on child restraint cannot be accelerated. For instance, the tooling time for the mold for an add-on child restraint shell is approximately six months. This does not include time for fine tuning the tool after it is completed and for testing the first production adequately to ensure that safety guidelines and compliance with FMVSS 213 are met. \*

Cosco believed there is no reason to have a compliance date for add-on systems that differed from that for builtin systems. It stated:

The discussion in the final rule regarding Ford's comments essentially reflects the same concerns that Cosco raised in response to the NPRM. \* \* \* This arbitrary distinction will have an unnecessary, negative impact on add-on restraint manufacturers and should be amended as requested.

Gerry Baby Products raised similar concerns in its petition. Gerry said that 180 days does not provide enough time for it to sufficiently test its products to the new requirements and implement any necessary design changes. Gerry also stated:

This short phase-in time period may result in Gerry Baby and other child restraint manufacturers pulling a significant percentage of shield type booster seats (for which head excursion limits may be an issue) from the market. Thus, the end result of the 180-day effective date could be a significant time period in which the retail market would have minimal, if any, shield-type booster seats available. Consumers with Type I seat belt systems in the rear seats of their vehicles would thus probably have no child restraints available to restrain their 40 to 60 pound children.

Gerry requested that the compliance date for add-on restraints and built-in restraints be the same, September 1, 1996.

## Agency Decision

NHTSA has reviewed the petitions and has decided that, for add-on systems, the compliance date for the July rule should be changed to September 1, 1996. NHTSA adopted a 180-day compliance date, as proposed, for the rule for add-on systems because a longer leadtime did not seem necessary. In its petition for reconsideration, Cosco and Gerry have provided information explaining why they believe that the rule's original

compliance date "is not practicable, is unreasonable, or is not in the public interest." 49 CFR 553.35. The agency agrees that, similar to built-in restraint manufacturers, manufacturers of add-on systems need sufficient time to evaluate their products and make any necessary changes to them. As noted by Gerry, shield boosters, in particular, will likely need to be redesigned to meet Standard 213's head excursion requirement when tested with the 6-year-old dummy. Shield boosters, used for older children who have outgrown a convertible or toddler seat, enables a Type I (lap only) vehicle belt to more properly fit the child by preventing the belt from riding up across the child's stomach.

NHTSA is therefore extending the compliance date for add-on systems to ensure that adequate time is provided add-on restraint manufacturers to test their seats and implement necessary design changes. This will also ensure the continued availability of shield booster seats. The compliance date of the July 1995 final rule, as corrected September 29, 1995, is delayed to September 1, 1996 for add-on restraints.

Rulemaking Analyses and Notices

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 impacts of this rulemaking action and has determined that this action is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. NHTSA has further determined that the effects of this rulemaking are so minimal that preparation of a full preliminary regulatory evaluation is not warranted. The agency believes that manufacturers will be minimally affected by this rulemaking because it only extends the compliance date of the July 6, 1995 final rule, which amended Standard 213. There will be no additional costs associated with this final rule.

## 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. Since this document simply extends the compliance date of a previously-issued rule, no costs are associated with it. Accordingly, the agency has not prepared a regulatory flexibility analysis.