

**SUPPORTING STATEMENT
FOR
JUSTIFICATION OF PRODUCTION REPORTING SYSTEM
FOR
AMENDING 49 CFR PART 571.214 TO IMPROVE
HEAD & CHEST PROTECTION IN SIDE IMPACTS**

OMB Control Number 2127-0558

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966, specify that the Secretary of Transportation shall prescribe Federal Motor Vehicle Safety Standards (FMVSSs), and that each safety standard shall be practicable, meet the safety need for motor vehicle safety, and be stated in objective terms. The Secretary is authorized to issue, amend and revoke such rules and regulations as she/he deems necessary to carry out these sub-chapters. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicle equipment when the vehicle or equipment is purchased, in a printed matter placed in the vehicle or attached to or accompanying the equipment.

The National Highway Traffic Safety Administration (NHTSA), in prescribing a FMVSS, is to consider available relevant motor vehicle safety data, consult with appropriate agencies, and obtain safety comments from the responsible agencies, States, safety commissions, public and other related parties. Further, the Act mandates that in issuing any FMVSS, the agency considers whether the standard is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such standards will contribute to carrying out the purpose of the Act.

Using this authority, NHTSA issued the original FMVSS No. 214, "Side door strength," in 1970 for passenger cars. The standard specifies strength requirements for side door of a vehicle under the specific quasi-static crush test. In 1980, NHTSA amended

the standard to allow manufacturers the option of leaving the seats in a vehicle during the test. In 1990, NHTSA amended FMVSS No. 214, "Side impact protection," by adding a full-scale dynamic side crash test in which the car is struck on either side by a moving deformable barrier simulating another vehicle. Instrumented test dummies are positioned on the struck side of the target car to measure the potential for injuries to an occupant's chest and pelvis. In 1991, NHTSA extended the quasi-static door crush test requirements to trucks, buses, and multipurpose passenger vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less. In 1995, NHTSA extended the dynamic testing requirements to light trucks, buses, and multipurpose passenger vehicles with a GVWR of 2,711 kilograms (6,000 pounds) or less.

On September 11, 2007, NHTSA published (73 FR 51908) a final rule requiring a full-scale vehicle-to-pole impact test in which either side of the vehicle strikes a rigid, fixed pole applicable to trucks, buses, and multipurpose passenger vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less. An instrumented test dummy is positioned on the striking side of the vehicle to measure the potential for injuries to an occupant's head, chest, and abdomen. The final rule also enhanced the FMVSS No. 214 moving deformable barrier test with new dummies and injury criteria requirements. The 50th percentile male dummy in the front seat of tested vehicles was replaced with a more biofidelic 50th percentile male ES-2re dummy. In the rear, the 5th percentile female SID-II's dummy is used.

The new requirements were to be phased in over a three year period. In response to petitions for reconsideration the agency published a final rule(73 FR 32473) extending the phase-in of both the pole and MDB test requirements to four years. The final rule requires three alternative implementation plans - (1) 20%, 40%, 60% and 100% phase-in, beginning September 1, 2010 for all full line manufacturers of vehicles with a GVWR less than 3,855 kg (8,500 pounds), (2) 100% effective, beginning September 1, 2015 for vehicles with a GVWR of greater than 3,855 kg (8,500 pounds) and (3) 100% effective, beginning September 1, 2016 for alterers and multistage manufacturers. The phase-in plan requires manufacturers to report achievement of annual production quotas in the phase-in period. Part 586, "Side impact phase-in reporting requirements," specifies reporting requirements. Reporting is due within 60 days after August 31st of each production year. After the report is received and the phase-in is complete, no further report will be required.

In addition, this collection supports the Department of Transportation's strategic goal in customer service.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

Approximately 21 vehicle (passenger car and/or LTV) manufacturers are required to submit the specific information to NHTSA. Part 586, "Side impact phase-in reporting requirements," provides a procedure whereby NHTSA may acquire the information needed to determine the extent to which manufacturers are complying with the stated goals. If these reports are not provided, NHTSA will not be able to determine whether vehicle manufacturers are complying with the proposed regulatory requirements.

For each report, the manufacturer will provide, in addition to the identity, address, etc., several numerical items of information. The information should include, but not be limited to, the following items:

- a. Total number of vehicles manufactured for sale during the preceding production year; and
- b. Total number of vehicles manufactured during the production year that are in compliance with the regulatory requirements.

At NHTSA, the Office of Vehicle Safety Compliance will receive, review and evaluate the information in the required reports. These reports will be submitted to the Technical Information Services at NHTSA for public information.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

This standard requires that manufacturers report the percent of their annual production complying with the requirements of the standard and maintain records related to the report. Since the reporting system required for phase-in period is not a continuing effort, all manufacturers may choose to submit their information by means of an electronic format, and store their annual production records in their computers. NHTSA has not considered any other methods to be worthwhile for this temporary effort requiring each manufacturer to submit two annual

production reports. However, there are no technical or legal obstacles to reducing burden if a manufacturer chooses to do so. To accommodate those companies for which it is the most convenient or cost-effective way to report, NHTSA is always ready to accept paper copies of the submission, delivered via U.S. mail or other similar means.

4. Describe efforts to identify duplication. Show specifically why any similar information cannot be used.

NHTSA is the only Federal government agency issuing FMVSSs and requiring motor vehicle manufacturers to comply with FMVSS No. 214. No duplication of the reporting system exists.

The required information is pertinent to a new regulatory requirement that did not exist before 2007 and is not related to other standards issued by NHTSA. It is not possible to use or modify for use the existing information for other standards.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This regulation applies to 21 vehicle manufacturers and NHTSA believes that all of them are not in the "small business" category. In general, small firms who produce one or two vehicle models per year would not choose a phase-in plan and, therefore, they are not required to file an annual production report. Small firms who choose a phase-in plan are required to file an annual production report. It is expected that the annual production of small firms would be relatively low. A proportionate reduction in paper work can be expected for small firms.

Many multistage manufacturers and alterers are possible small business entities. The final rule provides an alternative compliance plan for alterers, multistage manufacturers, small volume manufacturers, and limited line manufacturers. A multistage manufacturer or alterer may, at its option, comply with the 100 percent effective option beginning September 1 of 2016 instead of the four-year phase-in option beginning September 1 of 2010. Annual production reports are not required for those manufacturers choosing the 100 percent effective option. Based on NHTSA's current knowledge, all multistage manufacturers and alterers have chosen the 100 percent effective option. NHTSA believes that additional reporting methods for small businesses are not needed.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This option would make the compliance enforcement impossible. NHTSA would not be able to determine whether a manufacturer is meeting the stipulated production requirements. This could have grave consequences in terms of providing the required improved head and chest protection to vehicle occupants.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The information collection is consistent with the guidelines set forth in 5 CFR 1320.6. However, all respondents are required to retain their vehicle production records for the first two years of the phase-in period for verification purposes.

8. Provide a copy of the Federal Register document soliciting comments on extending the collection of information, a summary of public comments responding to the notice, and a description of the agency's actions in response to the comments. Described efforts to consult with persons outside the agency to obtain their views.

The Federal Register document soliciting comments on extending the collection of information was incorporated into the "Paperwork Reduction Act" of the Section "Rulemaking Analysis and Notices" of the NPRM. By issuing a request for comments in the NPRM, NHTSA has consulted and weighted public comments. The agency did not receive any comments on the information collection requirements. NHTSA repeated the request for comment on the collections of information for the final rule and did not receive comment from the public.

During the process of rulemaking, direct consultation with the prospective respondents would violate the Administrative Procedure Act by divulging information dealing with ongoing rulemaking in a premature manner.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

NHTSA does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents.

If a respondent claims that its report contains confidential business information, NHTSA will consider that claim under 49 CFR Part 512, Confidential Business Information.

11. Provide additional justification for any questions on matters that are commonly considered private.

The information provided is not of a private nature. Therefore, no justification is necessary.

12. Provide estimates of the hour burden of the collection of information on the respondents.

The annual burden is 840 hours for report preparation and 420 hours for record keeping. The total burden to the respondents is 1,260 hours per year. A written report is required and no specific form is required for this collection of information. The record-keeping requirement would not require much additional efforts from manufacturers since they already have their vehicle production data. A description on the hour burden and cost estimates is given below:

Number of respondents	21
Number of annual responses	1
Total annual responses	21
Annual hours per response	40
Total hours	840(21x40)
Number of record keepers	21
Annual hours per record keeper	20
Total record-keeping hours	420(21x20)
Total annual burden hours	1,260
Cost per hour in dollars	\$35
Annual cost associated with the burden hours	\$44,100(\$35x 1,260)

13. Provide estimates of the total annual cost to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Question 12 or 14).

There are no additional costs to respondents or record keepers.

14. Provide estimates of annualized cost to the Federal government.

An estimate of the required cost has been prepared based on NHTSA's experience with programs of a similar nature. The total annual cost is equal to the cost associated with analyzing all reports prepared by each individual respondent.

$$\begin{aligned} \text{Annual Cost} &= N \times H \times C \\ \text{where } N, & \text{ Number of respondents} = 21 \\ H, & \text{ Hours to analyze one report} = 8 \\ C, & \text{ Cost per hour in dollars} = 40 \end{aligned}$$

The estimated annual cost to Federal government is \$6,720.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There have been no program changes or adjustments and the agency only requests an extension of a currently approved collection during the remainder of the phase-in period.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

NHTSA does not have plans to publish the results.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that the display would be inappropriate.

NHTSA is not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

This information collection requires a simple written report on the respondent's annual vehicle production and the percent of that production meeting the new vehicle-to-pole and vehicle-to-MDB test requirements of FMVSS No. 214. Since the report preparation is based on the existing annual vehicle production data, the operation does not require use of sophisticated statistical survey methodology or information technology. Therefore, there are no exceptions.