

response was not affected by the impact exposures during the sled tests.

The agency noted no structural integrity, durability, or noise and vibration issues during component and sled testing of the proposed weighted dummy.

In identical test environments, both the weighted dummy and the H-III6C dummy produced relatively comparable responses when the effects of the weighted dummy's increased mass in the upper and lower torso were taken into account.

Average HIC and neck tension values were lower for the weighted dummy than for the H-III6C dummy, while average chest deflection and shoulder belt loads were greater for the weighted dummy than for the H-III6C dummy.

HIC values were greater for both dummies when a shoulder belt retractor was used. Shoulder belt load averages and chest accelerations also increased slightly when a retractor was used.

The two dummies exhibited similar kinematics during sled testing. Chin-to-chest contact was observed in all tests with both dummies. No contact between the head and knees was detected in any of the tests. The dummies appeared to interface the structure of the child restraints in a similar manner.

III. Agency Proposal

Based on the results of the test and evaluation program discussed above, the agency has tentatively concluded that the weighted dummy is sufficient for evaluating the dynamic performance of child restraint systems designed for children over 50 pounds. If Standard No. 213 is amended to apply to child restraints for children over 50 lb as proposed in the May 2002 NPRM, the weighted dummy should be able to serve the interim needs of the agency until the Hybrid III ten-year-old size dummy is ready for incorporation. Accordingly, the agency is proposing to incorporate the weighted six-year-old size dummy into 49 CFR part 572 as subpart S.

The drawings and specifications for the weighted dummy would be the same as the drawings and specifications for the H-III6C dummy in 49 CFR part 572 subpart N, except for the following differences.

First, the drawings for the weighted dummy's upper torso assembly and lower torso assembly would be changed to include the spine box weighting plates and pelvis weighting spacer.

Second, in the thorax assembly and test procedure specifications (49 CFR 572.124(b)(1)); the peak force specification within the specified compression corridor would be changed

from 1150–1380 N (259–310 lbf) to 1225–1455 N (275–327 lbf); and the peak force specification after 12.5 mm (0.5 in) of sternum displacement would be changed from not more than 5 percent of the value of the peak force measured within the required displacement limit to not more than 10 percent of that value.

Third, in the upper and lower torso assemblies specifications (49 CFR 572.125(b)(1)), the specification for the force applied as shown in Figure S2 would be changed from 147–200 N (33–45 lbf) to 85–125 N (18.5–27.5 lbf).

Fourth, in the upper and lower torso assemblies test procedure specifications (49 CFR 572.125(c)(5)), the initial torso orientation angle specification would be changed from 22 degrees to 32 degrees.

A copy of the Procedures for Assembly, Disassembly, and Inspection (September 2002) for the dummy, and copies of the Parts List and Drawings for the H-III6CW, Alpha Version (September 13, 2002) can be found in the docket for this NPRM.

IV. Costs

The agency estimates that the base cost of the new weighted six-year-old child size dummy would be \$31,170. The cost of an uninstrumented H-III6C dummy is approximately \$30,000.⁸ The cost difference of \$1,170 is as follows: raw tungsten alloy materials for the weights is approximately \$270 for the lumbar spacer weight and \$240 for each of the two spine weights. The fabrication of the parts requires approximately 12 hours of machinist labor at a cost of \$35 per hour, for a total of \$420. Instrumentation would add approximately \$25,000 to \$41,000 to the cost of the dummy, depending on the amount of data desired.

V. Benefits

At this time, the agency has not quantified any benefits to the public from this rulemaking. The availability of a weighted six-year-old child size dummy would provide a more suitable, repeatable, and objective test tool to the automotive safety community for development of improved safety environments for older children in motor vehicle crashes than the unweighted dummy. It also would facilitate the future certification of booster seats and child restraint systems designed for children up to approximately 65 pounds.

⁸ See the H-III6C dummy final rule at 65 FR 2064 (January 13, 2000).

VI. Lead Time

The agency believes that lead time is not a major factor for upweighting the H-III6C. The addition of the dummy to Part 572 will not affect manufacturers' compliance obligations with respect to the Federal motor vehicle safety standards.

VII. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's (DOT) regulatory policies and procedures (44 FR 11034, February 26, 1979). The Office of Management and Budget did not review this rulemaking document under Executive Order 12866. This rulemaking action has been determined not to be significant under the DOT's Regulatory Policies and Procedures.

This document proposes to amend 49 CFR part 572 by adding design and performance specifications for a weighted six-year-old child dummy that the agency may use in the Federal motor vehicle safety standards. If this proposed rule becomes final, it would affect only those businesses that choose to manufacture or test with the dummy. It would not impose any requirements on anyone.