

restraints that have historically performed very well in the field cannot meet the proposed neck injury limits in the majority of test cases. Neither NHTSA nor child restraint manufacturers have identified any countermeasures that could be incorporated into existing designs that would promote compliance with the proposed requirements. Further, NHTSA agrees that there is a lack of injury data to demonstrate a need to incorporate neck injury criteria at this time. As discussed in the section regarding head injury criterion, the adoption of a 36 ms measurement window for HIC, as opposed to the 15 ms window that was presented in the NPRM, will also serve as surrogate of sorts for a neck injury criterion to ensure that children continue to be well protected.

NHTSA does not believe that enough is known regarding neck injury for children at this time. As the agency is not proposing the incorporation of *Nij* in this final rule, NHTSA likewise does not feel that it is appropriate at this time to specify neck tension limits or any other neck criterion. These are areas where the agency could perform additional research in the coming years, as warranted by a safety need and the demands on the agency's resources.

In accordance with the TREAD Act, NHTSA has considered adopting the neck injury criteria developed for FMVSS No. 208 into FMVSS No. 213. For the aforementioned reasons, we conclude that incorporating the criteria into Standard No. 213 is not warranted at this time.

f. Leadtime

The TREAD Act required NHTSA to complete this rulemaking by November 1, 2002. With that date in mind, the agency made the following conclusions about the dates on which compliance with the requirements will become mandatory.

a. NHTSA believes that manufacturers could begin certifying their child restraints based on testing done on the new seat assembly and pulse in approximately 2 years (*i.e.*, the effective date for the change will be August 1, 2005). NPRM proposed a 2-year leadtime, which Graco supported. While the agency does not expect the changes to the seat assembly to have a major effect on the results of compliance tests, restraint manufacturers will likely have to conduct testing to confirm compliance of their restraints. This will be a financial impact on the manufacturers that could be spread out over a 2-year time period. The agency

does not anticipate any lives saved or injuries avoided from the amendment.

b. This final rule provides for about a 2-year effective date for the requirement to use the new CRABI and Hybrid III dummies in compliance tests (the effective date for the change will be August 1, 2005). The agency does not expect that the changes to the dummies will have a significant effect on the results of compliance tests, with the exception of some infant-only car seat/carriers. However, restraint manufacturers will likely have to conduct testing to confirm compliance of their restraints. This will be a financial impact on the manufacturers that could be spread out over a 2-year time period. Some infant-only restraints do not have backs high enough to support the CRABI 12-month-old dummy and will thus have to be redesigned.

The agency cannot estimate any lives saved or injuries avoided from the amendment. There could be safety benefits associated with keeping more infants rear-facing until they are at least 12-months old, which could result from the change to the CRABI and to having infant car seat/carriers be designed with higher back support structures.

c. As for using the weighted 6-year-old dummy to test restraints (typically booster seats) recommended for children with masses of over 22.7 kg (weights over 50 lb), this rule specifies a 2-year leadtime for the requirement (the effective date for the change will be August 1, 2005). We do not anticipate that manufacturers will have to redesign their booster seats or safety harnesses to certify compliance using the dummy. However, the rulemaking to incorporate the weighted 6-year-old dummy into part 572 is not complete, so the effective date is provided to account for the completion of that rulemaking. (The part 572 NPRM was published May 7, 2003; 68 FR 24417.)

d. Manufacturers are permitted the option of voluntarily using the new sled assembly and pulse and the new test dummies prior to the date (August 1, 2005) on which they would be required to do so. **Note**, however, that this final rule also specifies that a manufacturer's selection of a compliance option (*e.g.*, to use the new dummies prior to the mandatory compliance date) must be made prior to, or at the time of the compliance test and that the selection is irrevocable for that child restraint. This provision is needed for NHTSA to efficiently carry out its enforcement responsibilities. The agency wants to avoid the situation of a manufacturer confronted with an apparent noncompliance (based on a compliance

test) with the option it has selected responding to that noncompliance by maintaining that its products comply with a different option for which the agency has not conducted a compliance test. To ensure that the agency will not be asked to conduct multiple compliance tests, first for one compliance option, then for another, this rule requires manufacturers to select the option by the time it certifies the child restraint system and prohibits them from thereafter selecting a different option for the restraint.

IX. Rulemaking Analyses and Notices

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

The agency has considered the impacts of this final rule under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. While the NPRM was reviewed under the Executive Order, this document was not reviewed because it is considerably narrower than the NPRM and has minimal costs. This document was treated as "not significant" under the Department of Transportation's regulatory policies and procedures.

The estimated costs for this final rule are discussed in NHTSA's final regulatory evaluation (FRE) for this final rule.¹⁷ There is a one-time cost of \$1.68 million for manufacturers to purchase the new test dummies and \$1.39 to \$3.44 million to certify existing child restraints to the new dummies and test requirements. The annual long-term costs are estimated to be \$31,200 to test new models of booster seats (including built-in restraints) with a weighted 6-year-old dummy. We believe that use of the new dummies, in itself, would not necessitate redesign of child restraints. The new dummies perform similarly to the ones presently used in compliance testing.

The agency does not believe that updating the seat assembly and revising the crash pulse will affect dummy performance to an extent that benefits would accrue from such changes, nor will benefits be gained by the change to the dummies. There could be safety benefits associated with keeping more

¹⁷ NHTSA's final regulatory evaluation (FRE) discusses issues relating to the potential costs, benefits and other impacts of this regulatory action. The FRE is available in the docket for this rule and may be obtained by contacting Docket Management at the address or telephone number provided at the beginning of this document. You may also read the document via the Internet, by following the instructions in the section below entitled, "Viewing Docket Submissions." The FRE will be listed in the docket summary.