

characteristics would be \$8.12 (\$5.00 + \$3.12) per seat. The cost for the driver side improvement would be \$16.24 million. Of these two million vehicles, 0.92 million vehicles would also have to make modifications to the front passenger side. These modifications may be able to be made through altering the characteristics of the air bag. The total cost for the compliance alternative relying on seat track sensors would be \$20.36 million.

Manufacturers may also be able to comply with the proposal using pretensioners, with or without adopting other refinements. For vehicles that would not comply with the proposed requirements but already have pretensioners, manufacturers would have to change the air bag electronic control module or other restraint characteristics. For vehicles that do not comply with the proposed requirements and do not have pretensioners, manufacturers may have to install pretensioners for both driver and passenger sides and change the air bag electronic module.

Eighty seven percent of the vehicles that did not comply with the proposed requirements had pretensioners, indicating that pretensioners alone may not be sufficient to meet the proposed requirements. The 2.89 million vehicles equipped with pretensioners that would not comply with the proposal would have to incorporate improved air bag characteristics or adopt some other, additional strategy to improve performance of the overall system. At an incremental cost of \$3.12 per vehicle, the cost for these vehicles would be \$9.02 million. Roughly 13 percent of the vehicles that would need improved performance had no pretensioners. The addition of pretensioners to these 0.43 million vehicles, at a cost per seat of \$16.50 and installation in at both the driver and front passenger position, would equal \$14.20 million. In addition, these vehicles would also likely need to improve their air bag characteristics at a cost of \$3.12 per vehicle, or \$1.34 million for the portion of the fleet that needed new pretensioners. The cost for vehicles that required installation of pretensioners would be \$15.54 million. The total estimated cost for compliance based on the pretensioner option would equal \$24.56 million (\$9.02 million + \$15.54 million).

In summary, the overall cost of the proposal would range from minimal costs to \$24.56 million, depending on the implementation of technologies. A complete discussion of how NHTSA arrived at these costs may be found in the Preliminary Regulatory Evaluation

located in the docket for this rulemaking.

#### IV. Effective Date of the Proposed Rule

If adopted, this proposal would be implemented according to the same phase-in schedule as for the increase in test speed for the 50th percentile adult male dummy belted rigid barrier test. Implementation of the proposed requirement, if adopted, would be as follows:

- 35 percent of each manufacturer's light vehicles manufactured during the production year beginning on September 1, 2007 with an allowance of advance credits for vehicles built after September 1, 2006;
- 65 percent of each manufacturer's light vehicles manufactured during the production year beginning on September 1, 2008 with an allowance of carryover credits from vehicles built after September 1, 2006.
- 100 percent of each manufacturer's light vehicles manufactured during the production year beginning on September 1, 2009 with an allowance of carryover credits from vehicles built after September 1, 2006.
- All light vehicles manufactured on or after September 1, 2010.

If this proposal is adopted as a final rule, the agency will permit manufacturers that sell two or fewer carlines in the United States at the beginning of the first year of the phase-in (September 1, 2007) the option of omitting the first year of the phase-in. Likewise, manufacturers that produce or assemble fewer than 5,000 vehicles for the U.S. market per year and multi-stage manufacturers and alterers may defer compliance with the new requirement until September 1, 2010. This approach is fully consistent with the existing phase-in for the 0–56 km/h (0–35 mph) belted test using the 50th percentile adult male test dummy.

#### V. Request for Comments

To aid the agency in obtaining useful comments, we are setting forth in this section a specific list of questions for commenters. For easy reference, the questions are numbered consecutively. NHTSA encourages commenters to provide specific responses to each question for which they may have information or views. In addition, in order to facilitate tabulating the comments by issue, the agency encourages commenters to respond to the questions in sequence, and to identify the number of each question to which they are responding.

1. *Overall safety.* Does the overall proposal achieve an appropriate level of

safety with respect to risks from air bags for small stature drivers and passengers?

#### 2. *Possible unintended consequences.*

To what extent could the proposed increase in the test speed for the belted frontal barrier crash test using the 5th percentile adult female test dummy result in unintended adverse consequences?

3. *Potential cost.* What are the potential costs for the technology and design changes required to meet the proposed amendment?

#### *How Do I Prepare and Submit Comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing the document electronically. If you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.<sup>4</sup>

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT's guidelines may be accessed at <http://dmses.dot.gov/submit/DataQualityGuidelines.pdf>.

<sup>4</sup> Optical character recognition (OCR) is the process of converting an image of text, such as a scanned paper document or electronic fax file, into computer-editable text.