

has also been determined to be significant under the Department's regulatory policies and procedures. The benefits and costs associated with today's rule have been briefly discussed earlier in this document. For a more detailed analysis, please refer to the preliminary economic analysis supporting today's proposal.

B. Regulatory Flexibility Act

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This action would not have a significant economic impact on a substantial number of small businesses because the vast majority of motor vehicle manufacturers are not small businesses. Small organizations and small governmental units would not be significantly affected by the proposed rule since the potential cost impacts associated with this proposal should only slightly increase the price of new motor vehicles. A more complete analysis of the impact of today's rule on small businesses, organizations, and governmental units may be found in the preliminary economic analysis.

C. National Environmental Policy Act

NHTSA has analyzed this proposed amendment for the purposes of the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule, if issued, would have no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. The final rule, if issued, is not intended to preempt state tort civil actions.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of

1995). The final rule, if issued, would require the expenditure of resources above and beyond \$100 million annually. NHTSA will explore various options based on the response to the public comments. For example, the agency could decide to exclude rear-facing seats from the final rule. Likewise, it could decide to require a lap/shoulder belt for the front seat of some, but not all vehicles with a center designated seating position.

F. Executive Order 12778 (Civil Justice Reform)

The proposed rule would not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposal contains a collection of information because of the proposed phase-in reporting requirements. There is no burden to the general public.

We are submitting a request for OMB clearance of the collection of information required under today's proposal. These requirements and our estimates of the burden to vehicle manufacturers are as follows:

- NHTSA estimates there are 21 manufacturers of passenger cars, multipurpose passenger vehicles, trucks, and buses having a GVWR of 4,536 kg (10,000 lb) or less.
- NHTSA estimates that the total annual reporting and recordkeeping burden resulting from the collection of information is 1,260 hours.
- NHTSA estimates that the total annual cost burden, in U.S. dollars, will be \$0.00. No additional resources will be expended by vehicle manufacturers to gather annual production information because they already compile this data for their own use.

Organizations and individuals that wish to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Building, Washington, DC 20503; Attention Desk Officer for NHTSA.

The purpose of the reporting requirements will be to aid NHTSA in determining whether a manufacturer has complied with the requirements of FMVSS No. 208 during the phase-in of those requirements. NHTSA requests comments on this proposed collection of information in evaluating:

- The accuracy of the agency's estimate of the burden of the proposed collection of information;
- The quality, utility, and clarity of the information collected; and
- The opportunities to minimize the information collection burden.

H. Executive Order 13045

Executive Order 13045 applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

As noted earlier, this rulemaking is economically significant. Additionally, it is expected to have a disproportionate effect on children, since children are most likely to sit in the rear seat. However, the impact of this rulemaking on children would be beneficial instead of detrimental.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards⁷ in its regulatory activities unless doing so would be inconsistent with applicable law (*e.g.*, the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical. In meeting that requirement, we are required to consult

⁷ Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specifications and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material."