

appropriate date after NHTSA completes the pending rulemaking.

V. Interim Final Rule

When NHTSA issued the final rule establishing the upper interior head impact protection requirements of Standard No. 201 in August 1995, the agency determined that the new requirements would impose a burden on small manufacturers, but that this burden would not result in a significant economic impact. The petitions filed by RVIA and NTEA in the fall of 2001 disputed this finding and submitted information suggesting that NHTSA's prior estimate of the burdens imposed by the head impact protection requirements may have been incorrect. NHTSA has granted the NTEA and RVIA petitions and is now engaged in a rulemaking action. Unfortunately, NHTSA's consideration of the aforementioned rulemaking action has not yet been concluded. The compliance date set by our June 2002 interim final rule—September 1, 2003—is now only weeks away.

Given the imminence of the September 1, 2003 compliance date and the fact that NHTSA has not yet issued any formal proposal responding to the original NTEA and RVIA petitions for rulemaking, the agency has determined that it is appropriate to again extend the deadline. In order to minimize the possibility of an additional extension, this interim final rule extends the compliance date for vehicles built in two or more stages for an additional three years. Accordingly, vehicles built in two or more stages are required to meet the upper interior head protection requirements of Standard No. 201 on or after September 1, 2006. However, as we noted when issuing the June 2002 interim final rule, future rulemaking can, if needed, further modify the deadline.

The agency believes that there is good cause to find that providing notice and comment in connection with this rulemaking action is impracticable, unnecessary, and contrary to the public interest. NHTSA notes that time constraints prevent the completion of notice and comment rulemaking before the current September 1, 2003 compliance date. Moreover, this interim final rule does not alter any provisions other than the foregoing compliance date. Substantive changes to Standard No. 201, if any, will be addressed in a subsequent rulemaking.

Although NHTSA did not receive any comments regarding the extension of the compliance date contained in our June 2002 interim final rule, the agency has received a letter opposing further

extensions. A manufacturer of motorhomes and camper vans, Home And Park Motorhomes (Home and Park), indicated that it understood that RVIA was requesting that NHTSA further extend the September 1, 2003 compliance date. Based on its belief that NHTSA had extended the compliance date to be sure that final stage manufacturers would have the opportunity to purchase incomplete vehicles offering pass-through certification, Home and Park indicated that it had brought its vehicles into compliance in anticipation of having to comply with the upper interior head protection requirements by September 1, 2003. Having expended considerable resources to do so, Home and Park stated that further extensions of the compliance deadline would penalize conscientious manufacturers and delay introduction of safer interiors for recreational vehicles.

NHTSA is aware that delaying the compliance date could arguably result in a decrease in safety if multi-stage manufacturers that have the capability to meet the upper interior head protection requirements do not do so. When we issued our June 2002 interim final rule, we estimated that the safety benefit of requiring one year's production of vehicles manufactured in two or more stages to meet the upper interior head protection requirements is approximately 18–24 equivalent lives saved each year for the front seats and one equivalent life saved each year for the rear seats. Although this estimate may overstate the safety risks of extending the compliance date due to the fact that many recreational vehicles and conversion vans are not driven as much as more conventional vehicles, these benefits could be lost during the period of the extension.

The potential safety loss would only be realized if multi-stage manufacturers would be able to meet the upper interior head protection requirements while maintaining production. When issuing our June 2002 interim final rule, we indicated that NHTSA may have underestimated the costs and difficulties faced by final stage manufacturers in meeting the upper interior head protection requirements. While Home and Park indicated that it had brought its vehicles into compliance, it appears to have done so based on the expectation that the compliance date was extended to increase the availability of pass-through certification. However, a limit on the ability to rely on pass-through certification was recognized by NHTSA as but one source of the challenges facing final stage manufacturers. Our

June 2002 interim final rule cited a number of reasons why the agency believed that further relief for multi-stage manufacturers might be appropriate.

For reasons more fully discussed in our June 18, 2002 interim final rule, NHTSA has granted the NTEA and RVIA petitions and is now engaged in a rulemaking action considering whether to adopt further amendments to Standard No. 201. NHTSA has not yet resolved these issues, so this interim final rule extends the compliance date to September 1, 2006 to afford the agency time to take further action.

We note also that in extending the compliance date for vehicles built in two or more stages, NHTSA is also extending the compliance date for vehicles modified by alterers. Unlike final stage manufacturers, alterers begin with a certified vehicle and modify it to meet the needs of a particular market. Giving alterers additional time to comply with a standard allows the alterer to take a certified vehicle out of compliance, an action that NHTSA is normally reluctant to take. However, the challenges involved in meeting Standard No. 201 that are faced by final stage manufacturers also apply to alterers. If a vehicle manufacturer waits until the last possible moment to certify vehicles, alterers will not have the opportunity to do any engineering analysis to determine if the alterations affect compliance. Alterers also have limited engineering resources and testing capabilities. This may be telling where the alterer needs to change an original design to meet the demands of a particular application.

The agency requests written comments on extending the phase-in for vehicles manufactured for two or more stages. All comments submitted in response to this document will be considered by the agency. Following the close of the comment period, the agency will publish a document in the **Federal Register** responding to the comments and, if appropriate, will make further amendments to the extension of the phase-in requirements amended by this interim final rule.

VI. Public Participation

Interested persons are invited to comment on this interim final rule. It is requested, but not required, that two copies be submitted to the Office of Docket Management, Room PL-401, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

All comments must be limited to 15 pages in length. Necessary attachments may be appended to those submissions without regard to the 15-page limit (49