

**SUPPORTING STATEMENT FOR
JUSTIFICATION OF PHASE-IN PRODUCTION REPORTING REQUIREMENTS FOR
ADVANCED AIR BAGS AMENDING 49 CFR PART 571.208, OCCUPANT CRASH
PROTECTION**

OMB Control Number 2127-0599

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966 (Appendix A) specify that the Secretary of Transportation shall prescribe Federal Motor Vehicle Safety Standards (FMVSSs), and that each safety standard shall be practicable, meet the safety need for motor vehicle safety, and be stated in objective terms. The Secretary is authorized to issue, amend and revoke such rules and regulations as she/he deems necessary to carry out these sub-chapters. The Secretary is also authorized to require manufacturers to provide information to first purchasers of motor vehicle equipment when the vehicle or equipment is purchased, in a printed matter placed in the vehicle or attached to or accompanying the equipment.

The National Highway Traffic Safety Administration (NHTSA), in prescribing a FMVSS, is to consider available relevant motor vehicle safety data, consult with appropriate agencies, and obtain safety comments from the responsible agencies, States, safety commissions, public and other related parties. Further, the Act mandates that in issuing any FMVSS, the agency considers whether the standard is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such standards will contribute to carrying out the purpose of the Act.

Using this authority, NHTSA issued the original FMVSS No. 208, "Occupant crash protection," in 1967 for passenger cars. In 1987, the agency extended the standard to include automatic crash protections for passenger cars and light trucks. Manufacturers were at liberty to install the automatic safety belts or air bags in their vehicles. A phase-in schedule was established to smooth the introduction of these devices.

In 1991, the Intermodal Surface Transportation Efficiency Act mandated the installation of air bags, exclusively. Another phase-in schedule was established to provide a smooth transition. More recently, on May 12, 2000, NHTSA published a final rule (Appendix B) requiring manufacturers to install advanced air bags that reduce the likelihood of injury or fatality in a crash. The issuance of this rule fulfilled the requirements of the Transportation Equity Act for the 21st Century (TEA 21), which was enacted by Congress in 1998. Because this final rule is important to future air bag safety, manufacturers were encouraged to introduce advanced air bags as quickly as possible. However, because the requirements are new and stringent, manufacturers were given some allowance to move as rapidly as the state-of-the-art permits. To allow for an orderly introduction of air bags while giving manufacturers ample time to meet the new requirements, a two-stage phase-in of mandatory advanced air bags was implemented.

Phase 1 of the phase-in schedule for advanced air bags requires that large manufacturers (those producing more than 5,000 vehicles per year or producing more than three carlines) install advanced air bags capable of complying with specified criteria in some new vehicles beginning September 1, 2003, and in all new vehicles by September 1, 2005. Phase 2 of the phase-in schedule for advanced air bags requires that large manufacturers install advanced air bags capable of complying with additional criteria in some new vehicles beginning September 1, 2007, and in all new vehicles by September 1, 2009. Manufacturers of no more than three carlines are exempt from the first two years of Phase 1 as long as they fully comply with the requirements by the third year. Manufacturers of no more than two carlines are exempt from the first year of Phase 2 as long as they fully comply with the requirements by the second year. Manufacturers of less than 5,000 vehicles and vehicles built in two or more stages are exempt from the phase-in altogether, although all vehicles must meet the requirements addressed by the first phase-in by September 1, 2006 and the second phase-in by September 1, 2010. The schedule required by the final rule (and subsequent amendments) is:

	Phase 1	
First Year	(beginning 9-1-03)	20%
Second Year	(beginning 9-1-04)	65%
Last year and thereafter	(beginning 9-1-05)	100%
	Phase 2	
First Year	(beginning 9-1-07)	35%

Second Year	(beginning 9-1-08)	65%
Last year and thereafter	(beginning 9-1-09)	100%

On August 6, 2003, NHTSA published a NPRM to phase-in additional FMVSS No. 208 requirements for the belted 5th percentile female dummy test to coincide with the belted 50th percentile male dummy test and Phase 2 reporting schedule. The NPRM proposed incorporating the Phase 2 reporting requirements for the belted 5th percentile female dummy test with those of the Advanced Air Bag rulemaking. A final rule is expected to be published in September of 2006 and will extend the lead-time by 2 years for meeting the belted 5th percentile female dummy test requirements. Hence, a new Phase 3 will commence on September 1, 2007. The following is the draft schedule for Phase 3:

	Phase 3	
First Year	(beginning 9-1-09)	35%
Second Year	(beginning 9-1-10)	65%
Last year and thereafter	(beginning 9-1-11)	100%

The phase-in report is due within 60 days after August 31 of each production year. After the report is received, requirements will cease and no further report will be required. Thus, production of vehicles with advanced air bags needs to be reported for three 3-year periods.

The estimated 60 hours of additional burden hours per year are incorporated in this supporting statement. We note that this is a reduction of 1 burden hour requested from the prior collection which was in error.

In addition, this collection supports the Department of Transportation's strategic goal in safety.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

The required information will be submitted to NHTSA by about 21 vehicle manufacturers. The production reporting system for advanced air bags provides a procedure whereby NHTSA may acquire the information needed to determine the extent to which manufacturers are complying with the stated goals. If these reports are not provided, NHTSA will not be able to determine whether vehicle manufacturers are complying with the proposed regulatory requirements.

For each report, the manufacturer will provide, in addition to the identity, address, etc., several numerical items of information. The information should include, but is not be limited to, the following items:

- a. Total number of vehicles manufactured for sale during the preceding production year; and
- b. Total number of vehicles manufactured during the production year that are in compliance with the regulatory requirements.

At NHTSA, the Office of Vehicle Safety Compliance will receive, review and evaluate the information in the required reports. These reports will be submitted to the Technical Information Services at NHTSA for public information.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

This standard requires that manufacturers report the percent of their annual production complying with the requirements of the standard, and that manufacturers maintain records related to the report. This standard does not impose any obstacles to using improved information technology to prepare these reports. Thus, a manufacturer may use a computer, word processor, etc. to prepare the report. To increase the use of information technology, the agency encourages this information to be submitted on computer software applications that are compatible with the agency for review and analysis. Currently NHTSA has not received any reports via electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information cannot be used.

NHTSA is the only Federal government agency issuing FMVSSs and requiring motor vehicle manufacturers to comply with FMVSS No. 208. No duplication of the reporting system exists.

The required information is pertinent to a new regulatory requirement that did not exist before 2000 and is not related to other standards issued by NHTSA. It is not possible to use or modify for use the existing information for other standards.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This regulation applies to 21 vehicle manufacturers:

American Honda	Lotus
BMW	Mazda Motor Corporation
Daimler-Chrysler Corporation	Mitsubishi
Daewoo	Nissan Motor Corporation
Fiat Motors of America	Porsche
Ford Motor Company	Rover
General Motors Corporation	Subaru
Hyundai	Suzuki
Isuzu Motors of America	Toyota
Kia	Volkswagen of America
	Volvo

NHTSA believes that none of the manufacturers fall within the "small business" category. In general, small firms who produce one or two vehicle models per year would not choose a phase-in plan and, therefore, they are not required to file an annual production report. Small firms who choose a phase-in plan are required to file an annual production report. It is expected that the annual production of small firms would be relatively low. A proportionate reduction in paper work can be expected for small firms.

NHTSA is also permitting manufacturers that produce three or fewer carlines the option of omitting the first two years of Phase 1 of the phase-in if they achieve full compliance effective September 1, 2006. NHTSA is permitting manufacturers that produce two or fewer carlines the option of omitting the first year of Phase 2 of the phase-in if they achieve full compliance effective September 1, 2008 and Phase 3 of the phase-in if they achieve full compliance effective September 1, 2010. The agency is proposing to limit this alternative to specified manufacturers in light of the statutory requirement concerning when phase-in is to begin. Without such a limitation, it would technically be possible for the industry as a whole to delay introducing any improved air bags for a year. However, the agency doubts that any full-line vehicle manufacturers would want to take advantage of the alternative, given the need to achieve full compliance by September 1, 2005, for Phase 1, September 1, 2009, for Phase 2, and September 1, 2011 for Phase 3.

Many final stage manufacturers and alterers are possible small business entities. The final rule provides an alternative compliance plan for final stage manufacturers, alterers and other small manufacturers. According to the regulation, a final stage manufacturer, alterer and other small manufacturers may, at their option, comply with the 100 percent effective option beginning September 1, 2006, instead of the three-year Phase 1 option beginning September 1 of 2003, and beginning September 1, 2010, instead of the three-year Phase 2 option beginning September 1, 2007. For Phase 3, a small manufacturer may, at their option, comply with the 100 percent effective option beginning September 1, 2012 instead of the three-year Phase 3 option. Also, for Phase 3, a final stage manufacturer or alterer may, at their option, comply with the 100 percent effective option beginning September 1, 2013 instead of the three-year Phase 3 option. Annual production reports are not required for those manufacturers choosing the 100 effective option. We do not expect any manufacturer eligible for this option to choose to meet the respective phase-in requirements.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This option would make the compliance enforcement impossible. NHTSA would not be able to determine whether a manufacturer is meeting the stipulated production requirements. This could have grave consequences in terms of providing the required improved protection to vehicle occupants.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The information collection is consistent with the guidelines set forth in 5 CFR 1320.6. However, all respondents are required to retain their vehicle production records for the first three years of the phase-in period for verification purposes.

8. Provide a copy of the Federal Register document soliciting comments on extending the collection of information, a summary of public comments responding to the notice, and a description of the agency's actions in response to the comments. Described efforts to consult with persons outside the agency to obtain their views.

On February 10, 2006, NHTSA published in the Federal Register a notice (71 FR 7113; copy provided) soliciting comments on proposed collections of information, including extension and reinstatement of the previously approved collections. NHTSA did not receive any comments in response to the notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

NHTSA does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents.

If a respondent claims that its report contains confidential business information, NHTSA will consider that claim under 49 CFR Part 512, Confidential Business Information.

11. Provide additional justification for any questions on matters that are commonly considered private.

The information provided is not of a private nature. Therefore, no justification is necessary.

12. Provide estimates of the hour burden of the collection of information on the respondents.

The annual burden for the two reporting periods of three year duration, for a total of six years, is estimated to be the same, and involves the tasks of collection the information required by the annual reports as well as placing the information in a form suitable for record keeping and data retrieval. Since almost all of the information required is already recorded by the manufacturers as part of their production control and tracking systems, a nominal assessment of 61 total burden hours per respondent is estimated for data retrieval and report preparation. Based on this estimate, the total annual burden for manufacturers would be:

Number of respondents	21
Number of annual responses	1
Total annual responses	21
Annual hours per response	60
Total hours	1260(21x60)

Total annual burden hours	1260
Cost per hour in dollars	\$35
Annual cost associated with the burden hours	\$44,100(\$35x1260)

13. Provide estimates of the total annual cost to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Question 12 or 14).

There are no additional costs to respondents or record keepers.

14. Provide estimates of annualized cost to the Federal government.

An estimate of the required cost has been prepared based on NHTSA's experience with programs of a similar nature. The total annual cost is equal to the cost associated with analyzing all reports prepared by each individual respondent.

$$\text{Annual Cost} = N \times H \times C$$

where N, Number of respondents = 21
H, Hours to analyze one report = 8
C, Cost per hour in dollars = 25

The estimated annual cost to Federal government is \$4,200.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is a 21 hour reduction adjustment to Item 13 on the OMB form 83-I. The reason for this reduction is explained as follows. At present, OMB Clearance 2127-0599 gives NHTSA approval to collect 1,281 burden hours a year from industry, or 61 hours from each of 21 manufacturers. This figure of 61 hours represents the burden hours that would result if reports for two separate but related phase-ins were due the same year, e.g., both the higher speed test requirement using 50th percentile adult male test dummies and the higher speed test requirement using the 5th percentile adult female dummies. At no time from October 31, 2003 through October 31, 2006 has there been a requirement for manufacturers to provide two such phase-in reports. Thus, this figure of 61 hours should have been 60 hours per manufacturer, or a total collection of information burden on industry of 1,260 hours.

There are no program changes or adjustments to item 14 on the OMB form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

NHTSA does not have plans to publish the results.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that the display would be inappropriate.

NHTSA is not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATICAL METHODS

This information collection requires a simple written or electronically submitted report on the respondent's annual vehicle production and the percent of that production meeting the advanced air bag protection requirements of FMVSS No. 208. Since the report preparation is based on the existing annual vehicle production data, the operation does not require use of sophisticated statistical survey methodology or information technology.

Appendices:

- Appendix A. 49 U.S.C. 30111, 30112 and 30117
- Appendix B. Advanced Air Bag Final Rule
- Appendix C. 49 CFR Part 571.208 - Standard No. 208; Occupant Crash Protection
- Appendix D. 49 CFR Part 585 - Advanced Air Bag Phase-in Reporting Requirements
- Appendix E. Federal Register Notice Requesting Public Comments
- Appendix F. Public Comments on Proposed Information Collection

Appendix A

49 U.S.C. 30111, 30112 and 30117 of the
National Traffic and Motor Safety Act of 1966

Appendix B

Advanced Air Bag Final Rule

Appendix C

49 CFR Part 571.208 – Standard No. 208; Occupant Crash Protection

Appendix D

49 CFR Part 585 - Advanced Air Bag Phase-in
Reporting Requirements

Appendix E

Federal Register Notice Requesting Public Comments

Appendix F

Public Comments on Proposed Information Collection