

**OMB Control No. 2127-New
Electronic Stability Control System Data Collection**

JUSTIFICATION

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

As part of a comprehensive plan for reducing the serious risk of rollover crashes and the risk of death and serious injury in those crashes, NHTSA is proposing to establish a new Federal motor vehicle safety standard, FMVSS No. 126, to require electronic stability control (ESC) systems on passenger cars, multipurpose vehicles, trucks and buses with a gross vehicle weight rating of 4,536 Kg (10,000 pounds) or less. Based on its crash data studies, NHTSA estimates that the installation of ESC will reduce single vehicle crashes of passenger cars by 34% and single vehicle crashes of sport utility vehicles (SUVs) by 59% with a much greater reduction of rollover crashes.

DOT's Strategic Goal for safety is to "enhance public health and safety by working toward the elimination of transportation-related deaths and injuries." The rulemaking that creates the need for this information collection is estimated to prevent 1,530 to 2,200 transportation deaths annually when the whole light vehicle fleet has been equipped.

We note that this proposal is consistent with recent congressional legislation contained in section 10301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA-LU). That provision requires the Secretary of Transportation to "establish performance criteria to reduce the occurrence of rollovers consistent with stability enhancing technologies" and to "issue a proposed rule ... by October 1, 2006, and a final rule by April 1, 2009."

The proposed phase-in schedule for FMVSS No. 126 would be as follows: 30 percent of a vehicle manufacturer's light vehicles would be required to comply with the standard during the period from September 1, 2008 to August 31, 2009; 60 percent during the period from September 1, 2009 to August 31, 2010; 90 percent during the period from September 1, 2010 to August 31, 2011, and all light vehicles thereafter. The purpose of this data collection request is to obtain OMB approval for the data reporting requirements proposed for 49 CFR Part 585 Subpart I, which would require vehicle manufacturers to provide NHTSA with the vehicle production information needed to determine compliance with the phase-in requirements of FMVSS No. 126.

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

The data collected (number of vehicles manufactured in compliance with FMVSS No.

126 and date of manufacture), will be used by NHTSA to determine if a manufacturer produces a sufficient number of vehicles meeting the requirements of FMVSS No. 126 during each reporting period of the phase-in.

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

This is a new information collection requiring vehicle manufacturers (vehicles to which FMVSS No. 126 is applicable) to submit a report to the agency stating the number of vehicles produced by the manufacturer during the identified reporting periods (model years) and the number of vehicles produced during the periods that comply with FMVSS No. 126. It is estimated that 100% of the information is already being collected using technological collection techniques.

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

This collection of information is new and the collection involves data concerning a new federal safety standard. As a result, there is no duplication of effort. No information that is similar to the data required in this collection can be substituted for this data because the data required in this collection has not been generated in the past. Also, the information collected under this OMB clearance request is unique and is not available through other sources.

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

This collection of information does not involve small businesses or other small entities.

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

If this information is not collected, NHTSA will not have the data necessary to determine if vehicle manufacturers are in compliance with FMVSS No. 126.

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

The procedures specified for this information collection are consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's action in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

The notice soliciting comments to the information collection was published with the

NPRM on September 18, 2006. The Federal Register reference for the NPRM is 71 FR 54712. The information collection portion of the NPRM is on page 54737. No comments were received.

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

No payment or gift will be or was provided to any respondent.

10. Describe any assurance of confidentiality provided to respondents.

For confidentiality purposes, the respondents will provide this information directly to NHTSA's Chief Counsel. This information will be used internally only on a need-to-know basis.

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

There are no private questions involved in this information-collection activity.

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

NHTSA estimates that the requested information is readily available from records already kept and maintained by the potential respondents. NHTSA believes that the burden incurred by vehicle manufacturers will be limited to time spent electronically compiling vehicle production information.

For this task NHTSA estimates that 42 annual man-hours of time is sufficient for even the vehicle manufacturers to gather and record the required information. NHTSA estimates that there are 21 respondents (affected vehicle manufacturers) and the average amount of time that each respondent will need to collect the necessary data is 2 hours.

NHTSA estimates a cost of \$20.00 per hour to collect the necessary data and prepare the report. Therefore, the total annual cost to the respondents is \$840.00 or \$40.00 annually per respondent.

13. Provide estimates of the total annual cost to the respondents or record keepers.

The cost burden is zero.

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

There are no costs incurred by the Federal Government as a result of this data collection that could be considered to be outside normal overhead costs associated with the daily activities of the Office of Rulemaking, NHTSA.

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

This is a new data collection required by the phase-in provisions of a new Federal motor vehicle safety standard.

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

This collected information will not be published.

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

Approval to not display the OMB expiration date is not being sought.

18. Explain each exception of the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

No exceptions to the certification statement are made.

ATTACHMENTS

1. SAFTEA LU
 2. NPRM, FMVSS No. 126, Electronic Stability Control Systems
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Attached: OMB Form 83-1