

**SUPPORTING STATEMENT FOR
JUSTIFICATION OF PHASE-IN PRODUCTION REPORTING REQUIREMENTS FOR
ADVANCED AIR BAG CERTIFICATION USING APPENDIX A-1**

49 CFR PART 571.208, OCCUPANT CRASH PROTECTION

OMB Control Number 2127-NEW

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. On May 12, 2000, NHTSA published a final rule 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.

On November 12, 2008, NHTSA published a final rule to phase-in the FMVSS No. 208 certification of vehicles with the newly incorporated Appendix A-1. The final rule provides a phase-in of the requirements for testing with the child restraint system in Appendix A-1. The purpose of the reporting requirements will be to aid NHTSA in determining whether a manufacturer has complied with the phase-in requirements during the phase-in period.

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

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 an estimated 22 vehicle manufacturers. The reporting requirements provide 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 phase-in 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. The number of vehicles manufactured in the current production year, or, at the manufacturer's option, in each of the three previous production years. A new manufacturer that is, for the first time, manufacturing passenger cars for sale in the United States must report the number of passenger cars manufactured during the current production year; and
- b. The number of vehicles that meet the requirements of FMVSS No. 208 when using the child restraint systems specified in Appendix A-1 of that standard.

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 phase-in, 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's, for review and analysis.

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 2009 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 22 vehicle manufacturers:

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

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 phase-in production requirements. This could have grave consequences in terms of providing the required protection to child 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 and the records of the Vehicle Identification Number for each vehicle for which information is reported under §585.36 until December 31, 2013, 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 November 18, 2008, NHTSA published in the Federal Register a notice (73 FR 68495; copy provided) soliciting comments on the proposed collection of information. 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 one-year duration, for a total of two 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 one burden hour 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 | 22 |
| Number of annual responses | 1 |
| Total annual responses | 22 |
| Annual hours per response | 1 |
| Total hours | 22 (22x1) |
| | |
| Total annual burden hours | 22 |
| | |
| Cost per hour in dollars | \$35 |
| Annual cost associated with the burden hours | \$770 (\$35x22) |

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 = 22
H, Hours to analyze one report = .5
C, Cost per hour in dollars = 25

The estimated annual cost to Federal government is \$275.00.

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

The required information is pertinent to a new regulatory requirement that did not exist before 2009 and is not related to other standards issued by NHTSA. The purpose of the reporting requirements will be to aid NHTSA in determining whether a manufacturer has complied with the phase-in requirements during the phase-in period.

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 number of vehicles meeting the requirements of

FMVSS No. 208 when certifying with the child restraint systems in Appendix A-1 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 Subpart D – Appendix A-1 of FMVSS No. 208 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 Subpart D – Appendix A-1 of FMVSS No. 208 Phase-
in Reporting Requirements

Appendix E

Federal Register Notice Requesting Public Comments

Appendix F

Public Comments on Proposed Information Collection