

**SUPPORTING STATEMENT
FOR
JUSTIFICATION OF PRODUCTION REPORTING SYSTEM
FOR
AMENDING 49 CFR PART 571.216 ROOF CRUSH RESISTANCE**

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 vehicles or 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. 216, "Roof crush resistance," in 1971 for passenger cars. The standard specifies strength requirements for the roof of a vehicle under the specific quasi-static crush test. In 1991, NHTSA amended FMVSS No. 216 by extending the applicability of the requirements to multipurpose passenger vehicles, trucks and buses

with a gross vehicle weight rating (GVWR) of 2,722 kilograms (6,000 pounds) or less.

In 2009, the agency published a final rule (Appendix B) increasing the stringency and extending the applicability of the requirement of FMVSS No. 216 in a number of ways. First, for the vehicles currently subject to the standard, i.e., passenger cars and multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms (6,000 pounds) or less, the rule doubled the amount of force the vehicle's roof structure must withstand in the specified test, from 1.5 times the vehicle's unloaded weight to 3.0 times the vehicle's unloaded weight. Second, the rule extends the applicability of the standard so that it will also apply to vehicles with a GVWR greater than 2,722 kilograms (6,000 pounds), but not greater than 4,536 kilograms (10,000 pounds). The rule established a force requirement of 1.5 times the vehicle's unloaded weight for these newly included vehicles. Third, the rule requires all of the above vehicles to meet the specified force requirements in a two-sided test, instead of a single-sided test, i.e., the same vehicle must meet the force requirements when tested first on one side and then on the other side of the vehicle. Fourth, the rule established a new requirement for maintenance of headroom, i.e., survival space, during testing, in addition to the existing limit on the amount of roof crush. The rule also included a number of special provisions, including ones related to leadtime, to address the needs of multi-stage manufacturers, alterers, and small volume manufacturers.

For passenger cars and multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms (6,000 pounds) or less, the final rule adopted a phase-in of the upgraded roof crush resistance requirements. The phase-in begins on September 1, 2012. By September 1, 2015, all of these vehicles must meet the upgraded requirements, with certain exceptions. Vehicles produced in more than one stage and altered vehicles need not meet the upgraded requirements until September 1, 2016 and are not subject to the phase-in.

For passenger cars and multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms (6,000 pounds) or less, not built in more than one stage or altered, the final rule requires the following implementation schedule: 25%, 50%, 75% and 100% phase-in, beginning September 1, 2012. The phase-in plan requires manufacturers to report achievement of annual production quotas in the phase-in period. Part 586 Subpart - L "Roof Crush Resistance Phase-in Reporting Requirements" (Appendix C)

specifies the reporting requirements. The report is due within 60 days after August 31st of each production year during the phase-in period. After the report is received, requirements will cease and no further report will be required during that year.

Multipurpose passenger vehicles, trucks and buses with a GVWR greater than 2,722 kilograms (6,000 pounds) and less than or equal to 4,536 kilograms (10,000 pounds) must meet the requirements beginning September 1, 2016, with certain exceptions and are not subject to the phase-in. Vehicles produced in more than one stage and altered vehicles need not meet the requirements until September 1, 2017 and are also not subject to the phase-in.

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.

Approximately 21 vehicle (passenger car and/or LTV) manufacturers are required to submit the specific information to NHTSA. Part 586 Subpart - L "Roof Crush Resistance Phase-in Reporting Requirements" 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 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 to determine compliance. 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 maintain records related to the report. Since the reporting system required for phase-in period is not a continuing effort, all manufacturers choose to submit their information by means of a written report, and store their annual production records in their computers. NHTSA has not considered any other methods to be worthwhile for this temporary effort requiring each manufacturer to submit two annual production reports. However, there are no technical or legal obstacles to reducing burden if a manufacturer chooses to do so.

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. 216. 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 21 vehicle manufacturers and NHTSA believes that all of them are not in 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.

Many multistage manufacturers and alterers are possible small business entities. The final rule provides an alternative compliance plan for alterers, multistage manufacturers, small volume manufacturers, and limited line manufacturers. According to the final rule, a multistage manufacturer or alterer may, at

its option, comply with the 100 percent effective option beginning September 1 of 2016 or 2017, depending on the GVWR, instead of the phase-in option beginning September 1 of 2012. Annual production reports are not required for those manufacturers choosing the 100 percent effective option. Based on NHTSA's current knowledge, all multistage manufacturers and alterers have chosen the 100 percent effective option. NHTSA believes that additional reporting methods for small businesses are not needed.

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 head, neck, and face 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 two 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.

The Federal Register document soliciting comments on the collection of information was incorporated into the "Paperwork Reduction Act" of the Section "Rulemaking Analysis and Notices" of the final rule. By issuing a request for comments in the final rule, NHTSA has consulted and weighted public comments. NHTSA did not receive comment from the public on the collection of information. Moreover, the implementation of a phase-in in the final rule was in direct response to a request for a phase-in by the vehicle manufacturers to the notice of proposed rulemaking, which did not propose one.

During the process of rulemaking, direct consultation with the prospective respondents would violate the Administrative Procedure Act by divulging information dealing with ongoing rulemaking in a premature manner.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration 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 is 840 hours for report preparation and 420 hours for record keeping. The total burden to the respondents is 1,260 hours per year. A written report is required and no specific form is required for this collection of information. The record-keeping requirement would not require much additional efforts from manufacturers since they already have their vehicle production data. A description on the hour burden and cost estimates is given below:

Number of respondents	21
Number of annual responses	1
Total annual responses	21
Annual hours per response	40
Total hours	840(21x40)
Number of record keepers	21
Annual hours per record keeper	20
Total record-keeping hours	420(21x20)
Total annual burden hours	1,260

Cost per hour in dollars \$35
Annual cost associated with
the burden hours \$44,100(\$35x1,260)

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.

$$\begin{aligned} \text{Annual Cost} &= N \times H \times C \\ \text{where } N, & \text{ Number of respondents} = 21 \\ H, & \text{ Hours to analyze one report} = 8 \\ C, & \text{ Cost per hour in dollars} = 40 \end{aligned}$$

The estimated annual cost to Federal government is \$6,720.

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

The agency published Part 586 Subpart - L "Roof Crush Resistance Phase-in Reporting Requirements" in 2009. The phase-in reporting requirements will start in 2012 and be completed in 2014. This is a new collection of information.

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.

This information collection requires a simple written report or equivalent electronic file on the respondent's annual vehicle production and the percent of that production meeting the new roof crush resistance test requirements. 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. Therefore, there are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not include the collection of statistical information.