



GAO

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

B-295532

December 22, 2004

The Honorable Ernest F. Hollings
Chairman
The Honorable John McCain
Ranking Minority Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Joe Barton
Chairman
The Honorable John D. Dingell
Ranking Minority Member
Committee on Energy and Commerce
House of Representatives

Subject: *Department of Transportation, National Highway Traffic Safety
Administration: Federal Motor Vehicle Safety Standards; Occupant Crash
Protection*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Transportation, National Highway Traffic Safety Administration (NHTSA), entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (RIN: 2127-AI91). We received the rule on December 10, 2004. It was published in the Federal Register as a final rule on December 8, 2004. 69 Fed. Reg. 70904.

The final rule requires all designated seating positions in rear seats, other than side-facing seats, be equipped with Type 2 integral lap/shoulder safety belts. Side-facing seats may be equipped with either a Type 1 lap belt or a Type 2 belt. The final rule implements the congressional mandate contained in "Anton's Law" (Pub. L. 107-318, December 4, 2002).

Enclosed is our assessment of the NHTSA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that NHTSA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO

evaluation work relating to the subject matter of the rule is Michael Gryzkowiec, Managing Director, Physical Infrastructure. Mr. Gryzkowiec can be reached at (202) 512-2834.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Chris Calamita
Attorney-Advisor, National Highway
Traffic Safety Administration
Department of Transportation

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF TRANSPORTATION,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
ENTITLED
"FEDERAL MOTOR VEHICLE SAFETY STANDARDS;
OCCUPANT CRASH PROTECTION"
(RIN: 2127-AI91)

(i) Cost-benefit analysis

NHTSA estimates that the total cost of the final rule will be between \$178.85 million and \$239.86 million (in year 2000 economics). The final rule is expected to result in 5 to 16 fewer fatalities and 111 to 202 fewer injuries in passenger cars and 5 to 17 fewer fatalities and 134 to 293 fewer injuries in light trucks and vans.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

NHTSA has determined that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule will impose a private sector mandate, as defined in title II, of more than \$109 million (\$100 million adjusted for inflation) in any one year. NHTSA has prepared the required statement in which it states that the rule achieves the safety needs in the least costly manner.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

The final rule was issued using the notice and comment procedures found at 5 U.S.C. 553. On August 6, 2003, NHTSA published a Notice of Proposed Rulemaking in the Federal Register. 68 Fed. Reg. 46546. NHTSA received 13 comments in response to the notice, which are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains an information collection that is subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

NHTSA has submitted the required information to OMB for review including the annual burden hours. The estimate of the total annual hourly burden is 1,260 hours but with no additional costs because the manufacturers already compile this data for their own use.

Statutory authorization for the rule

The final rule is promulgated under the authority found at 49 U.S.C. 322, 30111, 30115, 30117, and 30166.

Executive Order No. 12866

The final rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.

Executive Order No. 13132 (Federalism)

The final rule, according to NHTSA, does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.