

text in subpart I that describes the test procedure for calibrating the dummy's thorax (49 CFR section 572.74(c)(2)). In the calibration test, the dummy's chest is impacted by a test probe at a specific point and the accelerometer's measurements are evaluated.

First Technology described the first error thusly:

The thorax test procedure [of section 572.74] states that the impact point should be 2.25 inches below the centerline of the clavicle retaining screw. The impact point based on that dimension would fall between the first and second rib. In contrast, figure 41 * * * shows the centerline of the impactor in line with the centerline of the third rib.

The second error relates to how the dummy is positioned for the thorax impact test. Section 572.74(c)(2) specifies that the dummy is adjusted "so that the longitudinal centerline of the No. 3 rib is horizontal." In contrast, an instruction in figure 41 specifies that the dummy is set up with the centerline of the number three rib horizontal " $\pm\frac{1}{2}$ [inch]." First Technology stated in its letter, "[T]he tolerance on figure 41 is $\pm\frac{1}{2}$ inch, which would result in 14 degrees variation."

Technical Amendment

NHTSA has examined First Technology's concerns and agrees that figure 41 and section 572.74 need to be amended so that they are consistent. As to the first error, the correct specification for the location of the impact point for the impactor is in section 572.74, and not in figure 41. The centerline of the impactor and the centerline of the third rib were drawn on figure 41 to be coincident instead of being slightly apart. This makes it appear that the impactor's first contact occurs at the centerline of the third rib, instead of approximately $\frac{1}{8}$ inch above it, in accordance with section 572.74. NHTSA is correcting figure 41 to depict the centerline for the thorax impactor as being slightly above the depicted centerline of the dummy's third rib.

As to the second error, the instruction in figure 41 that specifies that the dummy is "set up with centerline of #3 rib horizontal $\pm\frac{1}{2}$ inch" is inconsistent with the instruction in section 572.74(c)(2) concerning dummy set-up. The regulatory text states: "adjust the dummy so that the longitudinal

centerline of the No. 3 rib is horizontal." The " $\pm\frac{1}{2}$ inch" tolerance provided in figure 41 is inconsistent with the regulatory text since the centerline of the No. 3 rib of a dummy adjusted to the allowable limit could be far from horizontal. On the other hand, NHTSA believes that the tolerance should not be altogether eliminated. A 1 degree tolerance in section 572.74(c)(2) would provide some flexibility while ensuring that the centerline of the rib will be essentially, if not exactly, horizontal. Accordingly, NHTSA amends section 572.74(c)(2) to provide for ± 1 degree of tolerance. In addition, the instruction in figure 41 that specifies the dummy is "set up with centerline of #3 rib horizontal $\pm\frac{1}{2}$ inch" is revised to provide for the ± 1 degree of tolerance.

The regulatory text of section 572.74(c)(2) is also revised with regard to its reference to the "longitudinal centerline" of the No. 3 rib as the portion of the dummy that must be horizontal. Using the word "longitudinal" is inaccurate, since "longitudinal" describes a characteristic of a line, while what was actually meant was the alignment of the dummy in a plane. To more accurately describe the positioning of the dummy, the direction in section 572.74(c)(2) that the "longitudinal centerline of the No. 3 rib is horizontal" is changed to "the plane that bisects the No. 3 rib into upper and lower halves is horizontal" (± 1 degree). This text is also added to the instruction on positioning the dummy in figure 41.

NHTSA believes this rule is needed to avoid potential sources of complaint and confusion. In the past, dummy manufacturers have urged NHTSA to correct any inconsistency between the part 572 specifications and the actual design and manufacture of the test dummies. (See, e.g., correction of NHTSA's regulation for the side impact test dummy, 59 FR 52089; October 14, 1994.) These manufacturers are concerned that customers could complain that a dummy they purchased does not meet the specifications of the part 572 regulation, even when the problems are with the regulation rather than the dummy, and are relatively minor.

This document does not impose any additional responsibilities on any

vehicle or dummy manufacturer. NHTSA confirmed with several test facilities that they locate the impactor according to section 572.74, and not figure 41. Since this rule does not impose any additional burdens, and because it corrects minor inconsistencies in the regulation and removes potential sources of question for dummy manufacturers, NHTSA finds for good cause that notice and an opportunity for comment on this document are unnecessary, and that this rule should be effective upon publication.

These minor technical amendments were not reviewed under E.O. 12866. NHTSA has considered costs and other factors associated with these amendments, and determined that these amendments do not change any of the conclusions in the November 1991 final rule regarding the impacts of that final rule, including the impacts on small businesses, manufacturers and other entities.

List of Subjects in 49 CFR Part 572

Motor vehicle safety.

In consideration of the foregoing, NHTSA amends 49 CFR part 572 as follows:

PART 572—[AMENDED]

1. The authority citation for part 572 is revised to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Subpart I—6-Year-Old Child

2. In § 572.74, paragraph (c)(2) is revised to read as follows:

§ 572.74 Thorax assembly and test procedure.

* * * * *

(c) * * *

(2) Establish the impact point at the chest midsagittal plane so that the impact point is 2.25 inches below the longitudinal center of the clavicle retainer screw, and adjust the dummy so that the plane that bisects the No. 3 rib into upper and lower halves is horizontal ± 1 degree.

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