



Figure 4D: Top View of CAMI Dummy and Inclinometer, Rotated 90°, Placed in the Sleep Surface for the Mattress Flatness Test

(G) 7.9.7 Repeat 7.9.1 to 7.9.6 with the Newborn CAMI Dummy.

(iii) 7.10 *Fabric Release Test Methods for Enclosed Openings.*

(A) 7.10.1 Assemble and place the bassinet/cradle in the manufacturers use position.

(B) 7.10.2 With the torso test probe attached to a force gauge, place the small end of the probe against the fabric inside wall of the product and any structural elements in any locations deemed most likely to fail.

(C) 7.10.3 Apply a 20 lb force to the probe over a period of 5 seconds and hold for an additional 5 seconds.

(D) 7.10.4 Upon completion of 7.10.3, if an opening occurs in a location, other than the location being tested, release the probe from the original test location and repeat 7.10.3 at this additional location without adjusting the fabric.

(E) 7.10.5 If the product has a removable cover, unfasten all fasteners and/or snaps and repeat 7.10.2 to 7.10.4.

(F) 7.10.6 Repeat 7.10.1 to 7.10.5 in all manufacturers recommended use positions. For multiple use products, the test shall be performed in all possible use modes.

(12) Instead of complying with section 8.3.1 of ASTM F 2194-07a^{e1}, comply with the following:

(i) 8.3.1 In the warning statements, the safety alert symbol



and the word WARNING shall precede the warning statements at each location where warnings are provided and shall not be less than 0.2 in. (5 mm) high. The remainder of the text shall be in letters not less than 0.1 in. (2.5 mm) high except as specified in 8.4.2.

(ii) [Reserved]

(13) Instead of complying with section 8.4.2.1 of ASTM F 2194-07a^{e1}, comply with the following:

(i) Infants have suffocated in gaps between extra padding and side of the bassinet/cradle and on soft bedding. Use only the pad provided by manufacturer. NEVER add a pillow, comforter, or another mattress for padding.

(ii) [Reserved]

(14) In addition to the changes to ASTM F 2194-07a^{e1} in paragraph (b)(13), comply with the following:

(i) 8.4.2.2 The words "SUFFOCATION HAZARD" shall be bold face type not less than 0.2 in.

(5 mm) high. The words "Infants have suffocated" shall be in characters whose upper case is not less than 0.16 in. (4 mm) high. The remainder of the warning statement shall be standard type style whose upper case shall be at least 0.1 in. (2.5 mm) high.

(ii) [Reserved]

Dated: March 30, 2010.

Alberta Mills,

Acting Secretary, U.S. Consumer Product Safety Commission.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Parts 1200 and 1300

[Docket No. NHTSA-2010-0054]

Federal Motor Vehicle Safety Standards; Small Business Impacts of Motor Vehicle Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of regulatory review; Request for comments.

SUMMARY: NHTSA seeks comments on the economic impact of its regulations on small entities. As required by section 610 of the Regulatory Flexibility Act, we are attempting to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand. The focus of this notice is rules that specifically relate to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles, motorcycles, and motor vehicle equipment.

DATES: You should submit comments early enough to ensure that Docket Management receives them not later than June 28, 2010.

ADDRESSES: You may submit comments [identified by DOT Docket ID Number NHTSA-2010-0054] by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251

Instructions: For detailed instructions on submitting comments and additional information see the Comments heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>.

www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Juanita Kavalauskas, Office of Regulatory Analysis, Office of Regulatory Analysis and Evaluation, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC, 20590 (telephone 202-366-2584, fax 202-366-3189).

SUPPLEMENTARY INFORMATION:

I. Section 610 of the Regulatory Flexibility Act

A. Background and Purpose

Section 610 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), requires agencies to conduct periodic reviews of final rules that have a significant economic impact on a substantial number of small business entities. The

purpose of the reviews is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of such small entities.

B. Review Schedule

The Department of Transportation (DOT) published its Semiannual Regulatory Agenda on November 22, 1999, listing in Appendix D (64 FR 64684) those regulations that each operating administration will review under section 610 during the next 12 months. Appendix D contained DOT's 10-year review plan for all of its existing regulations. On November 24, 2008, NHTSA published in the **Federal Register** (73 FR 71401) a revised 10-year review plan for its existing regulations.

The National Highway Traffic Safety Administration (NHTSA, "we") has divided its rules into 10 groups by subject area. Each group will be reviewed once every 10 years, undergoing a two-stage process—an Analysis Year and a Review Year. For purposes of these reviews, a year will coincide with the fall-to-fall publication schedule of the Semiannual Regulatory Agenda. The newly revised 10-year plan will assess years 9 and 10 of the old plan in years 1 and 2 of the new plan. Year 1 (2008) began in the fall of 2008 and will end in the fall of 2009; Year 2 (2009) will begin in the fall of 2009 and will end in the fall of 2010; and so on.

During the Analysis Year, we will request public comment on and analyze each of the rules in a given year's group to determine whether any rule has a significant impact on a substantial number of small entities and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. In each fall's Regulatory Agenda, we will publish the results of the analyses we completed during the previous year. For rules that have subparts, or other discrete sections of rules that do have a significant impact on a substantial number of small entities, we will announce that we will be conducting a formal section 610 review during the following 12 months.

The section 610 review will determine whether a specific rule should be revised or revoked to lessen its impact on small entities. We will consider: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other federal rules or with state or local government rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. At the end of the Review Year, we will publish the results of our review. The following table shows the 10-year analysis and review schedule:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SECTION 610 REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 and 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR 571.101 through 571.110, and 571.135, 571.138 and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR 571.201 through 571.212	2015	2016
9	49 CFR 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

C. Regulations Under Analysis

During Year 2, we will continue to conduct a preliminary assessment of the

following sections of 23 CFR parts 1200 and 1300:

Section	Title
1200	Uniform procedures for State highway safety programs.
1204	[Reserved].
1205	Highway safety programs; determinations of effectiveness.
1206	Rules of procedure for invoking sanctions under the Highway Safety Act of 1966.
1208	National minimum drinking age.
1210	Operation of motor vehicles by intoxicated minors.
1215	Use of safety belts—compliance and transfer-of-funds procedures.

Section	Title
1225	Operation of motor vehicles by intoxicated persons.
1235	Uniform system for parking for persons with disabilities.
1240	Safety incentive grants for use of seat belts—allocations based on seat belt use rates.
1250	Political subdivision participation in State highway safety programs.
1251	State Highway Safety Agency.
1252	State matching of planning and administration costs.
1270	Open container laws.
1275	Repeat intoxicated driver laws.
1313	Incentive grant criteria for alcohol-impaired driving prevention programs.
1327	Procedures for participating in and receiving information from the National Driver Register Problem Driver Pointer System.
1335	State highway safety data improvements.
1340	Uniform criteria for State observational surveys of seat belt use.
1345	Incentive grant criteria for occupant protection programs.
1346–1349	[Reserved].
1350	Incentive grant criteria for motorcycle safety program.
1351–1399	[Reserved].

We are seeking comments on whether any requirements in 23 CFR parts 1200 and 1300 have a significant economic impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. Business entities are generally defined as small businesses by Standard Industrial Classification (SIC) code, for the purposes of receiving Small Business Administration (SBA) assistance. Size standards established by SBA in 13 CFR 121.201 are expressed either in number of employees or annual receipts in millions of dollars, unless otherwise specified. The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small. If your business or organization is a small entity and if any of the requirements in 23 CFR parts 1200 and 1300 have a significant economic impact on your business or organization, please submit a comment to explain how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

If the agency determines that there is a significant economic impact on a substantial number of small entities, it will ask for comment in a subsequent notice during the Review Year on how these impacts could be reduced without reducing safety.

II. Plain Language

A. Background and Purpose

Executive Order 12866 and the President’s memorandum of June 1, 1998, require each agency to write all rules in plain language. Application of the principles of plain language

includes consideration of the following questions:

- Have we organized the material to suit the public’s needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews over a ten-year period on a schedule consistent with the section 610 review schedule. We will review 23 CFR parts 1200 and 1300 to determine if these regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables that may make the regulations easier to use.

Comments

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21.) We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB’s guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT’s guidelines may be accessed at <http://dmses.dot.gov/submit/DataQualityGuidelines.pdf>.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. In addition, you should submit two copies,

from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to the Federal Docket Management System (FDMS) at <http://regulations.gov>.

(2) FDMS provides two basic methods of searching to retrieve dockets and docket materials that are available in the system: (a) "Quick Search" to search using a full-text search engine, or (b) "Advanced Search," which displays various indexed fields such as the docket name, docket identification number, phase of the action, initiating office, date of issuance, document title, document identification number, type of document, **Federal Register** reference, CFR citation, etc. Each data field in the advanced search may be searched independently or in combination with other fields, as desired. Each search yields a simultaneous display of all available information found in FDMS that is relevant to the requested subject or topic.

(3) You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you

periodically check the Docket for new material.

Marilena Amoni,

Associate Administrator for the National Center for Statistics and Analysis.

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2201

Regulations Implementing the Freedom of Information Act

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Occupational Safety and Health Review Commission (OSHRC) is proposing to revise its regulations implementing the Freedom of Information Act (FOIA). The proposed regulations have been updated to reflect the amendments to the FOIA from the Openness Promotes Effectiveness in our National Government Act of 2007 (OPEN Government Act), as well as changes in OSHRC's own policies and procedures.

DATES: Submit comments on or before May 28, 2010.

ADDRESSES: OSHRC encourages electronic submission of comments. You may submit comments by any of the following methods:

- *E-mail:* regsdocket@oshrc.gov. Include "FOIA PROPOSED RULEMAKING" in the subject line of the message.
- *Fax:* (202) 606-5417.
- *Mail:* 1120 20th Street, NW., 9th Floor, Washington, DC 20036-3457.
- *Hand Delivery/Courier:* Same as mailing address.

Instructions: All submissions must include your name, return address, and e-mail address, if applicable. Please clearly label submissions as "FOIA PROPOSED RULEMAKING." If you submit comments by e-mail, you will receive a confirmation e-mail from the system indicating that we have received your submission. If, in response to your comments submitted via e-mail, you do not receive a confirmation e-mail within five working days, please contact us directly at (202) 606-5410.

FOR FURTHER INFORMATION CONTACT: Jennifer D. Marr, FOIA Public Liaison, or Robert M. Kahn, Office of the General Counsel, via telephone: (202) 606-5410, or via e-mail: jmarr@oshrc.gov or rkahn@oshrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

OSHRC proposes several substantive and technical revisions to its regulations implementing the FOIA (5 U.S.C. 552, as amended) that fall within two general categories. First, OSHRC proposes modifying its existing FOIA regulations to reflect the amendments to the FOIA contained in the OPEN Government Act, Public Law 110-175, 121 Stat. 2524. The OPEN Government Act amended various FOIA administrative procedures, such as when an agency may toll the statutory time for responding to FOIA requests and how to indicate exemptions authorizing deletion of materials under the FOIA on the responsive record.

Second, as a result of the Chief FOIA Officer's review of OSHRC's FOIA operations, OSHRC proposes to revise its regulations to further clarify its policies and procedures relating to the processing of FOIA requests and the administration of its FOIA operations. These proposed revisions include changes to the description of the OSHRC reading rooms and to OSHRC fee policies.

Accordingly, OSHRC proposes to revise its regulations implementing the FOIA and put them out for public comment. The specific amendments that OSHRC proposes to each section of 29 CFR part 2201 are discussed hereafter in regulatory sequence.

II. Proposed Regulatory Revisions

In 29 CFR 2201.3, OSHRC proposes revising the description of the Chief FOIA Officer's duties in paragraph (a) to reflect the more detailed description of those duties set forth under the OPEN Government Act, 5 U.S.C. 552(k). Additionally, OSHRC proposes adding a description of the FOIA Public Liaison's duties in paragraph (c) to reflect the responsibilities described in the OPEN Government Act, 5 U.S.C. 552(a)(6)(B)(ii), (l). In paragraph (d) OSHRC proposes minor revisions to the FOIA Service Center's contact information. OSHRC also proposes revising paragraph (d) to add information about status requests provided by the FOIA Service Center, 5 U.S.C. 552(a)(7)(B).

In 29 CFR 2201.4, OSHRC proposes revising paragraph (c) to clarify the type of records publicly available in the e-FOIA Reading Room and where to access them. OSHRC proposes changing paragraph (d) to explain the procedures for using OSHRC's on-site e-FOIA Reading Room. OSHRC also proposes revising its definition of "Representative of the news media, or news media requester" in paragraph (e) to reflect the