HHS has operated risk adjustment for all 50 states and the District of Columbia. In our view, while this proposed rule would not impose substantial direct requirement costs on state and local governments, it has federalism implications due to direct effects on the distribution of power and responsibilities among the state and Federal Governments relating to determining standards about health insurance that is offered in the individual and small group markets.

IX. Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 requires that the costs associated with significant new regulations “to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.” This proposed rule is not subject to the requirements of Executive Order 13771 because it is expected to result in no more than de minimis costs.

X. Conclusion

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.


Seema Verma,
Administrator, Centers for Medicare & Medicaid Services.


Alex M. Azar II,
Secretary, Department of Health and Human Services.


SUPPLEMENTARY INFORMATION:

I. Re-Opening of the Comment Period

On December 26, 2019, NHTSA published a NPRM (84 FR 79916) to revise the chest jacket and spine box specifications for the Hybrid III 5th Percentile Female Test Dummy (HIII–5F) set forth in Part 572, Anthropomorphic Test Devices. NHTSA requested a ninety-day extension to the NPRM comment period in order to collect data regarding the proposed additional chest jacket specifications while also ensuring a sufficient sample size. This request can be found in the docket for this rulemaking.

NHTSA has considered Humanetics’ request and believes that re-opening the comment period for 60 days appropriately balances NHTSA’s interest in providing the public with sufficient time to comment on the notice with its interest in completing this rulemaking in a timely manner. Accordingly, we are re-opening the comment period on the NPRM for an additional 60 days.

II. Availability of Technical Document

The NPRM proposed chest jacket dimensions and tolerances. Separate
sets of dimensions and tolerances were proposed for the unworn jacket (on a table top) and the jacket as worn by an actual HIII–5F dummy. The nominal dimensions and tolerances proposed in the NPRM were derived from a sample of eight SAE jackets measured by NHTSA. The “as worn” measurements were taken in combination with various HIII–5F dummies, including older units (4 built by FTSS, 1 built by Denton) and newer units (2 built by Humanetics). Measurements were carried out at two different test labs.

In the NPRM, we stated that we would continue to collect measurement data on newly purchased jackets to check whether the proposed dimensions and tolerances (including those derived from the manufacturer SAE jackets and the new section dimensions added by NHTSA) were being met by SAE jackets already in the field. We also stated that we would examine all measurement data provided to us, and explained that in the final rule we may adjust the dimensions and tolerances to assure that jackets in the field achieve an acceptable degree of conformity while still assuring a high level of uniformity.

NHTSA has developed the procedure described in the docketed document, Measurement Procedure: Chest Jacket Dimensions, Hybrid III 5th Female Test Dummy, for NHTSA staff and contractors to use in measuring SAE chest jackets, both unworn and as fitted to HIII–5F units, including new units built by FTSS and Denton. NHTSA will use these measurements to assess the uniformity of SAE jackets and to determine the jacket dimensions and tolerances to be specified in the Final Rule. The purpose of the procedures described in the docketed document is to ensure that these measurements are taken in a consistent manner. This measurement procedure should not be construed as a proposed requirement for conformity with Part 572 Subpart O, nor should it be construed as a configuration requirement for use of the dummy in NCAP or any FMVSS.

NHTSA is docketing a copy of this document for the information of others who may wish to make similar measurements of the SAE jacket.

Public Participation

How do I prepare and submit comments?

- To ensure that your comments are correctly filed in the Docket, please include the Docket Number found in the heading of this document in your comments.
- Your comments must not be more than 15 pages long. NHTSA 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, and there is no limit on the length of the attachments.
- If you are submitting comments electronically as a PDF (Adobe) file, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions.
- Please note that pursuant to the Data Quality Act, in order for substantive data to be relied on and used by NHTSA, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, NHTSA encourages you to consult the guidelines in preparing your comments. DOT’s guidelines may be accessed at https://www.transportation.gov/regulations/dot-information-dissemination-quality-guidelines.

Tips for Preparing Your Comments

When submitting comments, please remember to:
- Identify the rulemaking by docket number and other identifying information (subject heading, Federal Register date and page number).
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions you make and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- To ensure that your comments are considered by the agency, make sure to submit them by the comment period deadline identified in the DATES section above.

For additional guidance on submitting effective comments, visit: https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.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, at the address given above under FOR FURTHER INFORMATION CONTACT. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the docket 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 received before the close of business on the comment closing date indicated above under DATES. To the extent possible, we will also consider comments that the docket receives after that date. If the docket receives a comment too late for us to consider in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by the docket at the address given above under ADDRESSES. The hours of the docket are indicated above in the same location. To be sure someone is there to help you, please call (202) 366–9322 before coming. You may also see the comments on the internet. To read the comments on the internet, go to http://www.regulations.gov. Follow the online instructions for accessing the dockets.

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. You can arrange with the docket to be notified when others file comments in the docket. See www.regulations.gov for more information.

49 CFR 553.21.
Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.4.

James Clayton Owens,
Deputy Administrator.

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