

Tote Bin .....	TBN
Tank Car Rail .....	TKR
Tank Truck .....	TKT
Intermdl Trlr/Cntnr .....	TLD
Tank .....	TNK
Tierce .....	TRC
Trunk and Chest .....	TRK
Tray .....	TRY
Trunk, Salesmen Samp .....	TSS
Tub .....	TUB
Unpacked .....	UNP
Unit .....	UNT
Vehicles .....	VEH
Van Pack .....	VPK
On Own Wheels .....	WHE
Wheeled Carrier .....	WLC
Wrapped .....	WRP
Not Applicable .....	N/A
Shipment Stowage Location Codes	
Not Applicable .....	N/A
On Deck .....	OD
Bottom Stowage .....	BS
Hazard Codes	
Not Applicable .....	N/A
IMD Stow Category A .....	A
IMD Stow Category B .....	B
IMD Stow Category C .....	C
IMD Stow Category D .....	D
IMD Stow Category E .....	E
Hazardous .....	HAZ
Non-Hazardous .....	NHZ
Stuffing/Stripping Modes	
Not Applicable .....	N/A
Mechanical .....	MECH
Hand Loading .....	HAND
FC .....	Foreign Commodity Tariff
FR .....	Foreign Rules Tariff
TM .....	Terminal Tariff
SC .....	Service Contracts

By the Commission:

**Joseph C. Polking,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

#### Federal Motor Vehicle Safety Standards; Child Restraint Systems; Denial of Petition for Rulemaking

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This notice denies a petition for rulemaking concerning child seat labels. This petition is denied because all of the suggested amendments either have been made pursuant to other

rulemaking activities or have not been supported by new information.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

*For non-legal issues:* Mary Versailles, Office of Safety Performance Standards, NPS-31, telephone (202) 366-2057.

*For legal issues:* Deirdre Fujita, Office of Chief Counsel, NCC-20, telephone (202) 366-2992.

**SUPPLEMENTARY INFORMATION:** NHTSA received a petition for rulemaking from Applied Safety and Ergonomics, Inc. requesting changes to the labeling requirements specified in Federal Motor Vehicle Safety Standard No. 213, "Child Restraint Systems." The first change relates to a warning label required by S5.5.2(k)(1)(ii) or S5.5.2(k)(2)(ii) concerning rear-facing child seats and air bags. The second change relates to features required of the air bag warning label, specified in S5.5.2(k)(4). The third change relates to a label specified in S5.5.2(l) requiring a diagram showing placement of a child restraint system in the right front outboard seating position equipped with a continuous-loop lap/shoulder belt.

Sections S5.5.2(k)(1)(ii) and S5.5.2(k)(2)(ii) require rear-facing child restraints or child restraints that can be used rear-facing, respectively, to be labeled with a statement warning that the child restraint should not be placed in the front seat of a vehicle with an air bag. S5.5.2(k)(3) requires this statement to be on a "red, orange or yellow contrasting background." The petition states that this can result in poor color contrast and requests that the requirement be amended to require background color contrast only behind the signal word, and not as a background for the entire label.

This aspect of the petition is denied as moot. Sections S5.5.2(k)(1)(ii), (k)(2)(ii), and (k)(3) no longer apply to child restraints manufactured on or after May 27, 1997. The current label requires a white background except for the heading. Therefore, the petitioner's suggested changes to the required background color for the label already are reflected in the labeling requirement.

Section S5.5.2(k)(4) requires child seats manufactured on or after May 27, 1997 to be labeled with a warning concerning children and air bags. The label reads:

Warning

DO NOT place rear-facing child seat on front seat with air bag.

DEATH OR SERIOUS INJURY can occur.

The back seat is the safest place for children 12 and under.

The heading must be black with a yellow background.

The petition notes that ANSI Z535.4 calls for an orange background in the heading area when the signal word is "warning." The petition asks NHTSA to at least allow manufacturers the option of using orange.

In the final rule on air bag labels, NHTSA discussed the focus group reactions to orange and yellow (November 27, 1996; 61 FR 60206). Based on that, NHTSA decided to specify yellow rather than orange because group evidence overwhelmingly suggests that yellow would be a more effective color than orange for attracting attention to the label. The petition offers no explanation or evidence that this reasoning was in error. Therefore, this aspect of the petition is denied.

S5.5.2(l) requires child seats to be labeled with a diagram showing placement in the right front outboard seating position equipped with a continuous-loop lap/shoulder belt. The petition asks NHTSA to change this requirement to specify a rear seat location, since a rear-facing infant seat should never be in a front seat if the vehicle has air bags.

This change has already been made to the standard in a final rule published October 1, 1998. NHTSA changed this requirement to delete the requirement that the diagram show a front seating position (63 FR 52626). This will allow manufacturers to change the label to show a rear seat. Therefore, this issue is also moot.

As the issues raised by the petitioner have been addressed in other rulemaking actions or have not been supported by new information, the agency is denying the petition for rulemaking.

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

Issued on: December 15, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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