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 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(1) 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.

By the Commission:

Joseph C. Polking, Secretary.


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.

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 Z35.4 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 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(1) 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.

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:...