

Issued in Washington, DC on January 26, 1999.

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Deputy Chief Counsel.

[FR Doc. 99-2253 Filed 1-29-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-99-5025]

Federal Motor Vehicle Safety Standards (FMVSS); Child Restraint Systems

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

ACTION: Request for public comments.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is conducting a review of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, Child Restraint Systems, in order to determine, consistent with Executive Order 12866, Regulatory Planning and Review, and Section 610 of the Regulatory Flexibility Act, whether this rule¹ should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives. This review also is being conducted to determine whether the rule can become more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small entities.

DATES: Comments must be received on or before April 2, 1999.

ADDRESSES: Comments must refer to the docket number cited at the beginning of this notice and be submitted to the Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested, but not required, that one original plus two copies of the comments be provided. The Docket hours are from 10:00 a.m. to 5:00 p.m., Monday through Friday (telephone 202-366-9324).

FOR FURTHER INFORMATION CONTACT: Nita Kavalauskas, Office of Regulatory Analysis and Evaluation, Office of Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590, (telephone 202-366-2584, fax 202-366-2559).

¹ This document refers to FMVSS No. 213 as a "rule" consistent with Section 610 of the Regulatory Flexibility Act, Public Law 96-354, September 19, 1980 (see Section 601(2)).

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard (FMVSS) No. 213 (49 CFR 571.213) ("the rule") specifies minimum performance requirements for child restraint systems (both built-in and add-on) used in motor vehicles and aircraft. The purpose of the rule is to reduce the number of children killed or injured in motor vehicle and aircraft crashes. The rule applies to passenger cars, multipurpose passenger vehicles, trucks and buses, and to child restraint systems for use in motor vehicles and aircraft.

The rule evaluates the performance of child restraint systems in dynamic tests performed in a simulated 30-mph frontal impact system. The rule tests built-in child restraints either in the specific vehicles or in the specific vehicle shell. Add-on child restraint systems are tested on a standard test seat, restrained either by a lap belt or (in the case of a belt positioning seat) by a lap/shoulder belt. In addition, the rule requires labeling both belt-positioning booster seats and shield-type booster seats to indicate which type of belt system (lap belt only or lap/shoulder belt) can be used with that particular booster seat.²

The rule sets specific dummy testing requirements by weight and height, so that an add-on or a built-in child restraint recommended for a specific weight/height class will be tested using dummies representative of that weight/height class. The rule also establishes other requirements for child restraints with respect to such factors as the height and width of the seat back surface, padding on surfaces contacted by the child's head, the locations of fixed or movable surfaces in front of the seated child, belt buckles and their releases, seat belt material, and labeling requirements.

The rule requires child restraint manufacturers to state on a label the heights and weights of children for whom the system is designed to protect. The rule also requires manufacturers of child restraints to provide warning labels on rear-facing child restraints to alert parents of the potential negative consequences of using rear-facing child restraint systems in the front seat of vehicles with passenger-side air bags.

Also included in the rule is a requirement that child restraint manufacturers supply, at the time of sale of the child restraint, a postage-paid registration card that the purchaser can fill in with his/her name and address

² The agency has issued a proposal to standardize child restraint anchorages. The agency would prefer not to receive comments on this issue unless they relate to small business impacts.

and mail back to the manufacturer so that the purchaser could be notified in the event of a recall. Providing this information on the label allows subsequent owners of child restraints to register their restraints with the manufacturer so that they can be contacted in the event of a recall. Manufacturers must record a list or maintain records of the owners in a form suitable for inspection, such as computer information storage devices or card files. Manufacturers are required to retain the records of owners for six years from the date of manufacture of the child restraint. The rule also requires that each child restraint be permanently labeled with the manufacturer's address or toll-free telephone number and the U.S. Government's Auto Safety Hotline toll-free telephone number.

At the present time, NHTSA has selected FMVSS No. 213 for review in accordance with the regulatory review provisions at Section 5 of the Executive Order 12866 on Regulatory Planning and Review (58 FR 51735, 51739, Oct. 4, 1993) and the directive of Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Section 610(a) of the Regulatory Flexibility Act requires the periodic review of rules to determine which ones have a significant economic impact on a substantial number of small businesses. The agency determined in August 1998 that FMVSS No. 213 (the rule) may have a significant economic impact on a substantial number of small businesses and pursuant to section 610(c) is conducting this review of FMVSS No. 213. The purpose of the review is to determine whether the rule should be continued without change, rescinded, or amended to make it more effective or less burdensome in achieving its objectives, and to bring it into better alignment with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as little burden as possible on small entities. In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.

An important step in the review process involves the gathering and analysis of information from affected parties about their experience with the rule and any material changes in circumstances since issuance of the standard. This notice provides an opportunity for interested parties to comment on the continuing need for, adequacy or inadequacy of, and small business impacts of the rule. Comments concerning the following subjects would assist the Agency in determining

whether to retain the rule unchanged or to initiate rulemaking for purposes of revision or rescission:

1. The benefits and utility of the rule in its current form and, if amended, in its amended form;
2. The continued need for the rule;
3. The complexity of the rule;
4. Whether and to what extent the rule overlaps, duplicates or conflicts with other Federal, State, and local governmental rules;
5. Information on any new developments in technology, economic conditions, or other factors affecting the ability of affected firms to comply with the rule;
6. Alternatives to the rule or portions of the rule that would minimize significant impacts on small businesses while achieving the objectives of the National Highway Traffic Safety Administration.

In essence, the agency would like to know what sections of FMVSS No. 213 significantly affect small business costs, unnecessarily affect costs, are particularly burdensome for small entities, or could be rewritten to minimize burdens on small entities. In addition, NHTSA would like to know which sections of the rule could be written more clearly and in plain English.

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**.

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 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 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 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 Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
2. On that page, click on "search."
3. On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1998-1234," you would type "1234." After typing the docket number, click on "search."
4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments.

You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments are not 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.

William H. Walsh,

Associate Administrator for Plans and Policy.
[FR Doc. 99-2313 Filed 1-29-99; 8:45 am]

BILLING CODE 4910-59-P