(3) This section does not prohibit the certificate holder from providing child restraint systems authorized by this or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

Issued in Washington, D.C., on May 24, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–13771 Filed 6–3–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–09; Notice 45]

RIN 2127–AF46

Federal Motor Vehicle Safety Standards; Child Restraint Systems

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

ACTION: Final rule.

SUMMARY: This rule, and a companion rule issued by the Federal Aviation Administration (FAA), address the use of child harnesses and backless child restraints in aircraft. This document amends a provision in Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems,'' that permits those restraints to be certified for use in both motor vehicles and aircraft.

Under the current FAA regulations, aircraft-certified child restraints may be used on aircraft. However, because testing has raised FAA's concerns about the safety of using harnesses and backless child restraint systems on the types of seats found in aircraft, FAA is publishing a rule in today's Federal Register that prohibits the use of booster seats, and vest- and harness-type child restraint systems on aircraft during take off, landing and movement on the surface, even if these restraints are certified for aircraft use.

In view of the FAA's determination that harnesses and booster seats are unsuitable for use during significant portions of a flight, the agency believes continuing to permit the certification of those restraints for aircraft use would be inconsistent and likely confusing to the public. Accordingly, this rule no longer permits those restraints to be certified for aircraft use, and instead requires manufacturers to label these restraints as not certified for use in aircraft.

DATES: This rule is effective on September 3, 1996.

Petitions for reconsideration of the rule must be received by July 19, 1996.

ADDRESSES: Petitions for reconsideration should refer to the docket and number of this document and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C., 20590.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues: Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202–366–4919, fax 202–366–4329). For legal issues: Ms. Deirdre Fujita, Office of the Chief Counsel (telephone 202–366–2992, fax 202–366–3820). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C., 20590. For information on FAA's rule, contact Ms. Donell Pollard (AFS–203), Air Transportation Division, Flight Standards Service (telephone 202–267–3735), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C., 20591.

SUPPLEMENTARY INFORMATION: This document amends the provision in Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems,'' that permits child restraint systems to be certified for use in both motor vehicles and aircraft. This rule complements an FAA rule, published elsewhere in today's Federal Register, that withdraws approval for the use of booster seats and vest- and harness-type child restraint systems on aircraft, and prohibits airlines from permitting a child to be restrained in such a restraint during take off, landing, and movement on the surface, even if the restraint is certified for aircraft use. The notice of proposed rulemaking (NPRM) on which this NHTSA rule is based was published at 60 FR 30696 (June 9, 1995).

Harnesses and booster seats are types of child restraint systems regulated by Standard 213. A harness typically consists of a vest or a series of straps that form a vest-like garment, that attaches at the back of the harness to a vehicle seat's lap belt. Harnesses are generally intended for children who weigh from 25 to 50 pounds. Some require the use of a tether strap to supplement the lap belt. The restraint that the FAA refers to as a ''booster seat'' is a ''backless child restraint system'' under Standard 213. (See definitions of ''booster seat'' and ''backless child restraint system'' in S4 of FMVSS 213.) A ''backless child restraint system'' is one of two types of booster seat.[1] A backless child restraint has a structural element (typically a shield) designed to restrain forward motion of the child's torso in a frontal crash. Backless child restraint systems are generally intended for children weighing from 30 to 60 pounds. Backless child restraint systems are also known as ''backless booster seats'' or ''shield-type'' booster seats.

Background

Standard 213 permits manufacturers to certify their restraints[2] for aircraft use if they are certified for use in motor vehicles and meet an additional requirement, an inversion test. The provisions permitting such certification were added to the standard in 1984 (49 FR 34357; August 30, 1984), partly in response to suggestions of the National Transportation Safety Board (NTSB) that DOT simplify its standards for the performance of child restraints on aircraft by combining all technical requirements into a single standard (NTSB Safety Recommendations A–83–1, February 24, 1983). Prior to the amendment, FAA had its own child restraint standard, Technical Standard Order C100 (TSO C100). TSO C100 and FMVSS 213 had different performance requirements, methods of certification and testing procedures.

In the 1984 rulemaking, NHTSA and FAA concluded that the DOT child restraint requirements should be consolidated in FMVSS 213 and that a TSO C100 inversion test was the only performance requirement from the FAA standard that needed to be incorporated into FMVSS 213. In the inversion test, the combination of a child restraint, test dummy and aircraft passenger seat is rotated forward at a specified speed to an inverted position and held there, and later rotated sideways at the same speed and held. During the test, the child restraint must not fall out of the aircraft safety belt and the test dummy must not fall out of the child restraint.

Prior to the 1984 rulemaking, a manufacturer wishing to designate a child restraint model as suitable for use in aircraft had to submit information to FAA to obtain its approval of the model. As a result of this pre-1984 approval process, there was a disparity between the number of child restraints available

[1] The other type of booster seat is the ''belt positioning seat,'' which is intended for use by children weighing from 30 to 60 pounds, and designed for use with a lap/shoulder belt system.

[2] The ''belt positioning'' booster seat is not eligible for such certification. FMVSS No. 213 does not permit these restraints to be certified for aircraft use because aircraft passenger seats typically lack shoulder belts. See amendment of FMVSS 213 to permit manufacture of belt-positioning child seats (59 FR 37167; July 21, 1994).

for use in motor vehicles and the number available for use in aircraft. In 1984, approximately 28 models of child restraints were produced under FMVSS 213 for use in motor vehicles. The child restraint manufacturers obtained TSO authorizations for only five of the 28 models, or only 16 percent of the total production of child restraints.

The lack of FAA approval of most motor vehicle child restraints for use in aircraft aroused several safety concerns. One was that some families traveling by air were discouraged from taking unapproved child restraints with them and thus did not have them available for use at their destination to protect their children while the family was driving. The other concern was that those families who nevertheless took their unapproved child restraints on trips had to stow the restraints in the aircraft cargo compartment, and thus were not able to use them to protect their children during the flight.

The effect of the 1984 rulemaking was to speed certification of child restraints for use in aircraft, and thereby increase the availability of aircraft-certified child restraints. Since then, manufacturers have been able, under FMVSS 213, to certify their child restraints for aircraft use by ensuring that they pass all of the standard's motor vehicle requirements and the inversion test. As a result, there has been a tremendous increase in the number of child restraints certified for use in aircraft.

FAA complemented NHTSA's rulemaking by amending its Federal Aviation Regulations (FARs)(14 CFR Parts 91, 121, 125 and 135) to provide for the in-flight use of aircraft-certified child restraints. The amendments required the air carriers to allow the use of any child restraint having a label indicating that it is certified to FMVSS 213, manufactured under the standards of the United Nations, or approved by a foreign government, as long as the restraint can be secured to a forward-facing passenger seat. An infant or child who is accompanied by a parent, guardian, or properly designated attendant and who is properly placed in a device that meets the labeling requirements of the FARs and that, in turn, is properly secured in an approved aircraft seat using the safety belt, has been considered by FAA to comply with its regulations requiring each person to occupy an approved seat during takeoff and landing.

There are currently many different types of child restraint systems that are certified as complying with FMVSS 213's motor vehicle and aircraft requirements, and thus permitted by FAA for use on aircraft. In addition to harnesses and shield boosters, these systems included ''infant seats,'' which position an infant so that the baby faces toward the rear of the motor vehicle or aircraft; and ''convertible'' child seats, which convert so that they can be used rear-facing with infants and forward-facing with toddlers. In addition, there are restraint systems that are certified for use in airplanes by foreign countries.

FAA Withdrawal of Approval

Elsewhere in today's Federal Register, FAA is withdrawing approval for the use of booster seats and vest- and harness-type child restraint systems on aircraft, and prohibiting airlines from permitting a child to be restrained in such a restraint during take off, landing, and movement on the surface. The FAA is also emphasizing the existing prohibition in all aircraft against the use of lap held child restraints, such as belly belts.[3]

FAA's action responds to research by its Civil Aeromedical Institute (CAMI). The CAMI research is discussed in a report entitled, ''The Performance of Child Restraint Devices in Transport Airplane Passenger Seats,'' a copy of which has been placed in NHTSA rulemaking docket 74–09, notice 41. (Persons wishing to obtain a copy of the report should contact FAA at the address given in the ''For Further Information'' section at the beginning of this final rule document.) CAMI dynamically tested six types of restraining devices: child harnesses, booster seats, rear-facing infant seats, convertible child restraint systems, airplane seat lap belts, and belly belts. The first four devices were evaluated for their ability to fit and adjust to an airplane passenger seat and lap belt. The lap belt was evaluated for its ability to secure test dummies representative of children two and three years old. Fit and adjustment was not considered an issue for the installation of the belly belt. All of the devices were evaluated for their performance in aircraft seats with and without ''breakover'' seat backs (a breakover feature allows the seat back to rotate forward easily when impacted by an occupant from behind). They were also evaluated, using anthropomorphic test dummies representing children, for their ability to limit occupant head excursion, head and chest accelerations and abdominal forces. In addition, the test program evaluated the effect that the impact load of an ''aft row occupant'' had on the performance of a child restraint located in an aircraft seat immediately in front of the aft row occupant. The aft row occupant impact load was generated in tests called ''double row tests,'' using an adult test dummy placed in the aft row seat.

Booster Seat Tests

CAMI tested four models of shield-type booster seats in six dynamic tests, three of which involved single row tests, and the other three, double row tests. With regard to fit and adjustment of the booster seats to the airplane seat chosen for testing purposes, CAMI found that three had fit and adjustment problems. One booster seat had problems fitting an airplane seat because of the limited width between arm rests on the passenger seat. This may have occurred because of the difference in width between the representative aircraft seat (about 20 inches wide) used in FMVSS 213 and the aircraft seat (17.25 inches wide) used in the CAMI testing. Two booster seats had incompatibility problems between the buckle/webbing path molded in the front shield and the airplane web path and buckle position of the lap belt on the airplane passenger seat used by CAMI. In fact, the webbing could not be installed over the front shield in accordance with the positioning instruction of the booster seats' manufacturers. CAMI also found that one of the four booster seats failed structurally, and two of the others allowed forward head excursion in excess of the 32-inch distance permitted by FMVSS 213.

CAMI also found a problem with the loads that the child dummies restrained in the tested booster seats experienced when the boosters were on a seat with a breakover seat back and exposed to loads from the aft row occupant. Its tests showed that loads from an aft row adult occupant resulted in an increase in abdominal loading of the dummy in a booster seat, as compared to the abdominal loading of a dummy in an aircraft lap belt with an adult aft-row occupant. The CAMI study states that, when placed in a seat with a breakover seat back, the booster seat encounters problems because:

> With no back shell, the typical booster seat does not provide protection from the forces transmitted by the airplane seat back during horizontal impact conditions. Traditionally, restraint systems in airplanes have been designed to avoid loads transmitted to the soft tissues of the abdomen. A child

[3] Belly belts restrain a small child on the lap of an adult and consist of a short loop of webbing with buckle hardware on the ends. The belt is buckled around the child's abdomen and is secured to the adult's safety belt by routing the adult's safety belt through a small loop of webbing sewn on the belly belt. Belly belts are certified for airplane use by the Civil Aviation Authority of the United Kingdom. However, belly belts cannot meet the performance requirements of FMVSS 213 and therefore have not been certified for use in the United States.

restrained in a booster seat may be forced against the rigid shield due to the seat back breakover action. For the intended size of children in booster seats, the load path of these breakover forces may include the abdominal region.

It is to be noted that CAMI also found that the abdominal loads on a child dummy placed in a shield-type booster seat secured to an airplane seat with a locked seat back were higher than on a child dummy secured in a typical airplane seat lap belt with a locked seat back. The FAA recognized, however, that there are no accepted criteria to assess the relationship between differences in measured levels of abdominal loadings and any resulting risk of abdominal injury, and the type and severity of such injury.

Harness Tests

CAMI tested one type of harness restraint. The restraint consisted of a torso vest with straps over the shoulders and around the waist, and a crotch strap. The shoulder and abdomen straps were attached to a rectangular metal plate on the back of the restraint. The airplane lap belts were routed through a loop of webbing attached to the metal back plate on the restraint.

The restraint was tested with a three-year-old test dummy in two single row tests. CAMI found incompatibility problems between the harness and the airplane seat lap belts:

With the lap belts adjusted to the minimum length, the [harness] could be moved forward approximately 7 inches before tension was developed in the belts. This was considered unsatisfactory for testing.

CAMI also found grossly excessive excursion of the child anthropomorphic test dummy (ATD) restrained in the harness:

The ATD moved forward and over the front edge of the seat cushion and proceeded to submarine toward the floor. Elasticity in the webbing of the harness and the lap belts then heaved the ATD rearward. The force pulling the ATD back into the seat appeared to be applied by the Gz [crotch] strap directly through the pubic symphysis of the pelvic bone.

Based on this finding, CAMI concluded that a harness performs poorly in protecting the child occupant.

Proposal and Comments

Based on these test results, the FAA proposed to withdraw approval for the use of harnesses and booster seats on aircraft. 60 FR 30690, June 9, 1995. At the same time, NHTSA issued an NPRM to amend FMVSS 213 to require manufacturers to label harnesses and backless booster seats as not for aircraft use. The standard already requires that belt-positioning booster seats be so labeled. The agency issued the proposal on the basis that, in view of the FAA's determination that harnesses and booster seats are unsuitable for use during significant portions of a flight, continuing to permit the certification of those restraints for aircraft use would be inconsistent and likely confusing to the public.

NHTSA received one comment on its rulemaking proposal. The commenter was the Air Transport Association of America (ATA), representing its U.S. passenger carrying airline members. The ATA comment responded to both the NHTSA and FAA proposals. FAA received nine other comments on its proposal.

With regard to ATA's comment on the agencies' proposals, except as noted below, ATA focused mainly on issues relating to the proposed FAA provisions for implementing the contemplated ban. The commenter particularly directed its comments toward what ATA believed were potential difficulties the airlines (''carriers'') may experience in enforcing it. ATA believed carriers should not be placed in the role of ''policing compliance'' with the proposed requirements, suggesting instead ''a more informational role.'' ATA was concerned that some passengers might insist on using a banned restraint, and might be confused by the fact that their restraint might be certified for aircraft use. (NHTSA's rule will affect restraints that are manufactured on or after the effective date of the rule. Restraints that were manufactured before the effective date and that were certified for aircraft use bear a label that the restraint is so certified.) ATA stated that,

It has been the practice of several airlines that when confronted with an appropriately labeled device that is not actually approved for use (e.g., belly belts) to advise the passenger of that fact and to attempt to discourage the use of the device. For the most part, these efforts are successful. In the unusual case, however, where a passenger insists upon the use of the device (often citing the ''appropriate label'' as allowing this use) the practice is to avoid confrontation and permit the use if that is the only remaining alternative. In light of the new increasing numbers of devices with regard to which this type of experience is to be expected, the rule obviously must take into account the practicalities of this real world experience and provide for this type of situation without threat of penalty to the carrier. (Emphasis in text.)

For FAA's response to this and other comments from the ATA on requirements proposed by FAA, readers should refer to the FAA final rule (published concurrently with this rule, in today's Federal Register). That document also discusses FAA's responses to the other nine comments on its NPRM, including those from industry groups, aviation authorities, air carriers and child restraint manufacturers.

ATA's comment was pertinent to NHTSA in two respects. First, it provides support for NHTSA's rulemaking, in that it indicates that confusion is not only likely, but has in fact resulted from a discrepancy between a manufacturer's assertion about the suitability of a restraint for aircraft and the FAA's determination that it is not. By preventing manufacturers from labeling booster seats and harnesses as appropriate for aircraft use, NHTSA's rule will reduce the potential for confusion to the extent possible.

In addition, ATA also stated that it believed that ''before final action is taken on this rulemaking,'' FAA and NHTSA must explain how this rulemaking relates to a ''larger issue.'' While ATA was unclear defining the ''larger issue,'' it appears that ATA is concerned about possible fit and adjustment problems between the airplane seat and restraint systems that can continue to be certified for and used in aircraft, in the aftermath of today's rule. For example, the CAMI report found that some forward facing convertible restraints could not be secured satisfactorily in the airplane passenger seat used for testing purposes.

FAA and NHTSA believe this issue was addressed in the NPRMs. As discussed there, in view of the problems revealed by the CAMI testing, NHTSA and FAA will consider a separate rulemaking to assess the need to improve FMVSS 213's requirements for aircraft-certified child restraints other than harnesses and booster seats. The agencies are developing possible requirements and procedures that could improve the assessment of the performance of child restraint systems in the aircraft environment. Among other issues, the agencies will consider whether the seat assembly used under FMVSS 213 in testing child restraints for aircraft use sufficiently represents an aircraft passenger seat.[4] The agencies are proceeding with this assessment.

[4] Child restraints certified as complying with FMVSS 213's aircraft requirements are currently tested on a ''representative aircraft passenger seat'' (S7.3 of FMVSS 213). FMVSS 213 also specifies that FAA approved aircraft safety belts are used to test child restraints that are certified to the aircraft requirements.

Other Issues

In undertaking the current rulemaking, NHTSA recognized that a rule restricting the use of child restraints in aircraft could affect the use of the restraints in motor vehicles. In the 1984 rulemaking that allowed child restraints to be certified for use in motor vehicles and aircraft, NHTSA recognized that parents might not use child restraints to transport their children in a vehicle to and from the airport if the child restraint could not be used on the aircraft. The data indicated that child safety was not a critical issue for aircraft in terms of the number of child deaths or injuries, but that it was a large problem for motor vehicles. Many State laws that require the use of child seats in motor vehicles do not cover all the ages of children that might use booster seats. NHTSA was concerned that, if booster seats may not be used on aircraft, and if parents are not willing to stow them with their luggage, there is a possibility that the restraints could be left home altogether and thus not used to restrain a child in the vehicle. It was suggested that the number of child injuries in motor vehicle accidents might increase because of this non-use.

In issuing the NPRM, NHTSA reached a tentative conclusion that restricting the use of booster seats and harnesses on aircraft would not adversely affect motor vehicle safety by increasing the numbers of unrestrained children in vehicles. While NHTSA requested comments on how it should assess this issue, no comment was received. The agency has decided to proceed with this rulemaking in view of the lack of information indicating that the rulemaking will reduce the use of child restraints during the ground portion of a trip. However, the agencies will monitor the situation for a possible degradation of motor vehicle safety.

After considering ATA's comment on the rulemaking and other pertinent information, NHTSA has decided to adopt the requirements proposed in the NPRM, without change. This amendment to Standard 213 will remove the possibility that a restraint could be certified for aircraft use despite the fact the FAA has prohibited such use of that restraint. This amendment reduces the likelihood of confusion and misunderstanding on the part of consumers, and makes the FAA and NHTSA requirements consistent.

However, for clarification purposes, NHTSA emphasizes the following points about the use and performance of child restraints. First, there are significant differences between the seating environment of motor vehicles and that of aircraft. Because of those differences, the problems encountered with child restraint use in aircraft are not encountered with child restraint use in motor vehicles. Therefore, notwithstanding this rule, the use of harnesses and booster seats in motor vehicles continues to be important for child safety.

The problems reported by CAMI, i.e., the combined effects of aircraft seatback breakover designs and aft occupant impacts, are not encountered in motor vehicles. The seat back in a motor vehicle is designed to remain fixed in a crash and not ''breakover'' in the manner of an airplane seat. Also, a vehicle seat containing a child restraint is less likely to be impacted from the rear by an adult than is an aircraft seat containing a child restraint. There are several reasons for this. First, child restraints are recommended for use in the rear instead of front vehicle seating positions. Thus, if a child restraint is installed as recommended, there will not, in most cases, be any passenger rearward of the child restraint who could impact and load the seat containing the child restraint in the event of a frontal crash. Exceptions would be in vehicles, such as vans and some station wagons, which have three rows of seats. Second, if there were a passenger seated behind the seat containing a child restraint, and that person were sitting in an outboard seating position, the person most likely would have a lap/shoulder belt system available for use. Most aircraft lack shoulder belts. If the vehicle passenger were restrained by that belt system, the person would not load the seat with the child restraint in the manner observed in the CAMI study. Third, given the number of persons typically carried in a motor vehicle, it is unlikely there would be an adult seated behind a child in a child restraint, regardless of the number or pattern of seats in the vehicle.

Further, harnesses and other child restraints are tested under FMVSS 213 on a seat assembly that is representative of a motor vehicle seat, and that is equipped with a safety belt representative of the lap belt in the center rear seating position. In its compliance testing, the agency has not found a problem between the vehicle lap belt and a child harness such as that found by CAMI between an airplane lap belt and a harness. In addition, NHTSA has not found in its compliance testing the type of fit and adjustment problems between booster seats and the vehicle seats that CAMI found between booster seats and the aircraft seats.

Booster seats could fit better on motor vehicles than aircraft in part because of the design of the belt restraints with which the boosters are attached to the automobile. The position of the buckle for an aircraft seat belt assembly is very different from that of a buckle for a vehicle seat belt assembly. An aircraft seat belt assembly is designed so that when it is buckled, the buckle is located midway between the anchorages, in front of the user's abdomen. A motor vehicle lap/shoulder belt or lap-only belt is designed so that the buckle is located to the side of the user's torso, near the hip, when the belt is buckled.

Another reason for believing that the problems reported by CAMI are not indicative of the performance of child restraints in motor vehicles is the difference between the crash pulse used by CAMI and the crash pulse used in FMVSS 213 testing. In its testing of head excursion, head and chest acceleration and abdominal forces, CAMI used a crash pulse appropriate for aircraft. FMVSS 213 testing, by contrast, involves the use of a motor vehicle crash pulse.

Compliance Date

The compliance date for this rule is in 90 days. There is good cause for this short compliance date. It is the same as that of FAA's rule that withdraws approval of boosters and harnesses for use on aircraft. The effective date for the agencies' rules should be identical since the two rulemaking actions complement each other. FAA seeks to restrict the use of boosters and harnesses on aircraft as expeditiously as possible to address what that agency has concluded to be a possible safety problem. NHTSA's rule minimizes the potential for confusion and misunderstanding on the part of consumers, by preventing manufacturers from certifying boosters and harnesses for aircraft use when in fact FAA does not approve of those restraints for such use. Given the above, a 90-day effective date is in the public interest.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

NHTSA has evaluated the impacts of this rule and has determined that it is significant within the meaning of the Department of Transportation's regulatory policies and procedures. The rulemaking action is significant because of the substantial public interest in issues involving child seats on aircraft. Further, this rule is a significant regulatory action under E.O. 12866.

While this action is significant because of the public interest associated with it, NHTSA concludes that this rule will have minimal impacts. In 1991, there were an estimated 1,200,000 booster seats produced. The consumer cost of a label is estimated to be $0.09 to $0.17, and total annual costs of a separate label range from $108,000 to $204,000.

However, adding a sentence to the existing label, most likely the course of action taken in response to this rulemaking, would cost much less. This cost might be $0.01 per label, resulting in a total annual cost of $12,000. Fewer harnesses are produced than booster seats. The label on a harness is typically cloth, and sewn on to the restraint. Assuming that 10,000 to 50,000 harnesses are produced annually, the cost of a label will probably be over $1.00. However, even with this cost, the cost of the labeling requirement is minimal. Moreover, there is a possible economic benefit of this rule. Since booster seats and harnesses will no longer be permitted to be certified for aircraft, there will be no need to perform the inversion test. Thus, testing costs to the child restraint manufacturer will be slightly reduced.

Further, the agency believes sales of booster seats and harnesses will be minimally affected, if at all, by the prohibition against their certification for aircraft use. NHTSA believes almost all consumers decide to purchase a child restraint based on their intent to use the restraint in a motor vehicle, not in aircraft.

Regulatory Flexibility Act

NHTSA has considered the effects of this rule under the Regulatory Flexibility Act. For the reasons noted above and below, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The agency knows of 13 manufacturers of child restraints (not counting vehicle manufacturers that produce and install built-in restraints), 7 of which are considered to be small businesses (including Kolcraft, which with an estimated 500 employees, is on the borderline of being a small business). This number does not constitute a substantial number of small entities. Regardless of this number, NHTSA does not believe this rule will have a significant impact on small businesses. As noted above, this rulemaking will have a minimal effect on labeling costs and no effect on child restraint sales.

Executive Order 12612 (Federalism)

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

Executive Order 12778 (Civil Justice Reform)

This rule will not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as set forth below.

PART 571—[AMENDED]

1. The authority citation for Part 571 continues to read as follows:

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

2. Section 571.213 is amended by revising S5.5.2(n) to read as follows:

§ 571.213 Standard No. 213; Child restraint systems.

* * * * *

S5.5.2 * * *

(n) Child restraint systems, other than belt-positioning seats, harnesses and backless child restraint systems, may be certified as complying with the provisions of S8. Child restraints that are so certified shall be labeled with the statement ''This Restraint is Certified for Use in Motor Vehicles and Aircraft.'' Belt-positioning seats, harnesses and backless child restraint systems shall be labeled with the statement ''This Restraint is Not Certified for Use in Aircraft.'' The statement required by this paragraph shall be in red lettering and shall be placed after the certification statement required by S5.5.2(e).

* * * * *

Issued on May 20, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–13772 Filed 6–03–96; 8:45 am]

BILLING CODE 4910–59–P