

position, optimal protection to the child could not be realized.

The petitioner's request is also denied with respect to vehicles of the second type described above, with a center seating position that has a seat back that folds along the vertical longitudinal centerline of the seating position. The zone in which the tether anchorage may be located within the vehicle is sufficiently large to give vehicle manufacturers flexibility in designing and locating anchorages that are practical. Current MPVs incorporate designs that locate tether anchorages in a variety of places, such as on the floor or the ceiling, which would avoid the petitioner's concerns about a tether strap sliding between a split seat back in the third row of seats.

In its petition for reconsideration, the Alliance asked for clarification that providing a user-ready tether anchorage at a seat that can be used at either an outboard or a non-outboard (*i.e.*, center) seating position meets the subject requirement. The petitioner stated that some vehicles are now equipped with laterally adjustable vehicle seats that can be moved from an outboard position to a non-outboard position. The petitioner wanted to know how the agency would position such a movable seat in determining compliance with the requirement that a tether anchorage must be provided in a center seating position.

In response, NHTSA is adding regulatory text (S4.6) to specify that if a vehicle has a laterally adjustable seat capable of being used in a rear center position, but does not otherwise have a seat that could be regarded as a rear center seat, that adjustable seat will be considered by the agency to be a rear center seat and must be equipped with a tether anchorage usable when the seat is in the center position. The agency will put the adjustable seat in the center position because we believe many consumers will use it there when using a child restraint. On a related point, NHTSA is not prohibiting manufacturers from having removable seats, even where the removable seat is equipped with a required LATCH or tether anchor system. For example, manufacturers will be able to design minivans and SUVs such that the last row can be readily removable (and readily replaceable) by the consumer, even if the seat contained one of the required LATCH systems and the vehicle, without the seat, no longer had two full LATCH systems. The agency does not see a safety need to restrict the ability of the consumer to remove the seats. If the vehicle seat is readily replaceable, the consumer will have

available the LATCH system when the anchorage system is needed. The agency has added language to S4.6 of the standard to make this clarification.

2. Where There Is An Air Bag

The March 1999 final rule contained requirements that implemented the agency's policies about where children should be restrained in vehicles. If the vehicle has a rear designated seating position, a LATCH system should be placed there. This is because children are safer seated in a rear seat than in the front seat, regardless of whether there is an air bag for the front passenger seating position. If there is no rear seat, the question of whether a LATCH system should be installed at the front passenger designated seating position is answered by whether that position is equipped with an air bag that cannot be turned off with a manual on-off switch. If an air bag is present that cannot be turned off, that seating position is unsuitable for a LATCH system. Some consumers may believe that the presence of a LATCH system signals that the designated seating position is an appropriate one in which a child restraint may be installed, which is incorrect. For that reason, the standard prohibits manufacturers from equipping the front passenger seating position with a LATCH system when an air bag on-off switch is not present. (A tether anchorage is required for the seating position, however. A tether anchorage can be less conspicuous than a LATCH system and does not encourage users to install child restraints at the seating position in the way that a LATCH system would. A tether anchorage is required at the position so that, if a forward-facing child restraint were installed there, the restraint could be tethered tightly against the seat and as far as possible from the air bag.)

Ford petitioned the agency to rescind the prohibition against installing a LATCH system in a front seating position equipped with an air bag that lacks a manual on-off switch. The petitioner believed that vehicle manufacturers should have the flexibility to install lower anchors in front seats voluntarily. GM petitioned NHTSA to allow voluntary installation of a LATCH system "in any passenger seating position even when an air bag on/off switch or automatic suppression is not present. We believe that adequate warnings are given to consumers to ensure a rear facing child seat will not be placed in front of an air bag."

These petitions are denied. They are denied to the extent that they seek to allow manufacturers to install LATCH systems anywhere in the vehicle.

NHTSA continues to believe that consumers would erroneously infer from the presence of a LATCH system in a front passenger seating position that the position can and should be used with a child restraint. An air bag that is not turned off could inflict serious or fatal injuries to a child in a rear-facing child restraint in the front passenger seating position. In addition, children are safer in rear seating positions. (Our analysis shows that rear seats are 26 percent safer against fatality for all children age 4 and under.) Thus, they should be restrained in rear seats. For these reasons, the standard will continue to require LATCH systems to be installed at rear seating positions, if such positions exist on the vehicle, and to disallow LATCH systems in front seating positions unless the vehicle is equipped with an air bag on-off switch.

The petitions are also denied concerning the installation of LATCH systems in a vehicle whose front passenger seating position has an air bag system certified to new requirements in Standard No. 208 (*i.e.*, one that suppresses the air bag when it senses the presence of the infant, 3-year-old or 6-year-old child dummy) and that lacks a rear seat. Such a vehicle is different from a vehicle with no rear seat whose front passenger seating position is equipped with an air bag and an air bag on-off switch. With the front passenger air bag disabled by an air bag on-off switch, there is not any risk of injury to children from the air bag. It is too early to know if this is the case for vehicles with no rear designated seating positions and an advanced air bag certified to the new Standard No. 208 requirements. The agency does not believe that there is sufficient experience with air bag deactivation technology at this time. In fact, the allowance of on-off switches until 2012 was to allow manufacturers time to perfect the suppression and low risk deployment systems in all their vehicles, and provide additional time to assure that the advanced systems work properly (65 FR 30722). Thus, we have concluded that vehicles with no rear designated seating positions and an advanced air bag certified to new Standard No. 208 will not be allowed to have a LATCH system installed at a front passenger seating position unless the vehicle is equipped with an air bag on-off switch. We will revisit this matter in several years after an assessment of the technology and its performance.

For the same reasons, the petitions are denied to the extent concerning the installation of LATCH systems in a vehicle whose front passenger seating position has an advanced air bag system