

vehicle seat back. Suzuki asked whether the standard permitted an anchorage to be located in the recessed area of the seat back.

In a November 8, 2002 interpretation letter, the agency stated NHTSA did not intend to exclude part of the seat back from the shaded zone. Thus, a tether anchorage that is recessed in the seat back is permitted. However, the agency stated, the shaded zone does not include the strap wrap-around area at the top of the vehicle seat back, so the anchorage must not be located in that wrap-around area. In reply to another question from Suzuki, NHTSA also stated that for the area under the vehicle seat, the forwardmost edge of the shaded zone is defined by the torso line reference plane. Today's final rule makes a technical amendment to S6.2.1 to clarify the standard with respect to these provisions.

g. Denial of Petition on Backless Booster Systems

The March 1999 final rule generally required all child restraint systems to be equipped with components that attach to a vehicle's LATCH system (this section refers to these components as "LATCH components") (S5.3.1 of Standard No. 213). The rule excluded belt-positioning seats from the requirement. Standard No. 213 defines "belt-positioning seat" as:

a child restraint system that positions a child on a vehicle seat to improve the fit of a vehicle Type II belt system on the child and that lacks any component, such as a belt system or a structural element, designed to restrain forward movement of the child's torso in a forward impact.

Belt-positioning seats were excluded from the requirement because these seats do not have compatibility problems attaching to the vehicle seat using seat belts. They simply form a seating platform for the child. No part of the child seat restrains forward movement of the child. The vehicle's seat belts are used to restrain the child, just as they are used on other occupants, and are not used to attach the child restraint to the vehicle seat.

Belt-positioning seats and "backless child restraint system" are both "booster seats" under Standard No. 213. "Backless child restraint system" means:

a child restraint, other than a belt-positioning seat, that consists of a seating platform that does not extend up to provide a cushion for the child's back or head and has a structural element designed to restrain forward motion of the child's torso in a forward impact.

Cosco, Inc., petitioned the agency to reconsider not excluding backless child

restraints from the requirement that the restraints must be equipped with LATCH components. Cosco manufactures a backless child restraint that uses a shield-like structural element to restrain a child occupant's torso in a frontal collision. (These restraint systems are commonly called "shield boosters.")¹¹ Petitioner believed that shield boosters are similar to belt-positioning boosters because they "rely upon the type 1 or type 2 seat belt assembly to restrain the occupant. This requires that the person seating the child in the restraint system buckle and unbuckle the vehicle seat belt assembly each time the product is used." Accordingly, Cosco believed that requiring that backless booster seats incorporate LATCH components "is inconsistent with its [the rule's] exclusion of backless belt-positioning booster seats * * *."

The agency is denying Cosco's petition. NHTSA disagrees with Cosco that backless booster seats are sufficiently similar to belt-positioning seats that they should be excluded from having LATCH components. One of the purposes of Standard No. 225 and the complementary provisions in Standard No. 213 was to free seat belts from having to fulfill two functions. The primary purpose of seat belts has always been to protect older children, teenagers and adults from serious injury in vehicle crashes. A secondary purpose of seat belts has been to install child restraints in vehicles. Attempting to design seat belts to achieve the first purpose has sometimes led to design choices that may have made it more difficult for the belts to achieve the second purpose (tightly securing a child restraint). The LATCH system will help vehicle and seat belt manufacturers to more effectively optimize seat belts to restrain older children, teenagers and adults.

Belt-positioning seats were excluded from the LATCH program because they do not tax seat belts to perform a dual function. The seats improve the ability of seat belts to perform their primary purpose, which is to protect the child occupant from serious injury. Belt-positioning seats do not call upon the seat belt to attach the child restraint to the vehicle in any manner. In contrast,

shield boosters rely on seat belts to assist in restraining the child *and* to attach the child restraint to the vehicle seat. This dependency on seat belts to perform the latter function potentially restricts the ability of seat belts to perform their primary function. Further, as vehicle manufacturers begin to optimize seat belts for the protection of older children, teens and adults, some belt designs may be hard for motorists to use to attach a backless booster seat to a vehicle seat. The dependency of backless booster seats on vehicle seat belts to attach the child restraints is what the LATCH rulemaking sought to prevent. Accordingly, petitioner's request is not consistent with the goals of the rulemaking and is hereby denied.

III. Rulemaking Analyses And Notices

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

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." We have considered the impacts of this rulemaking action and have determined that this action is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. We have further determined that the effects of this rulemaking do not warrant preparation of a full final regulatory evaluation. This document resolves the remaining issues from the petitions for reconsideration of the final rules published in March and August 1999 and in July 2000. Manufacturers will be minimally affected by this rulemaking because generally it does not change the manufacturers' responsibilities to install tether anchorages and LATCH systems previously established by the March 1999, August 1999, and July 2000 final rules. This rule provides slightly more flexibility in how vehicle seat backs must be marked to identify the presence and location of the lower LATCH anchorages that are hidden from view. It also provides for greater leeway to recess the lower anchorages further rearward in the seat bight. This rule clarifies some requirements and test procedures, but overall does not impose new test burdens.

b. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that it will not have a significant economic impact on a substantial number of small entities. This rule affects motor vehicle manufacturers, almost all of which are not small

¹¹ Used with the shield, the restraint is recommended for children weighing between 30 and 40 lb. Cosco's backless child restraint, the "Grand Explorer," is also designed so that the shield can be removed, to convert the restraint to a belt-positioning seat. As a belt-positioning seat, the restraint is used with a vehicle's lap/shoulder (Type 2) belt system. Cosco's petition pertains to the configuration that the restraint is in with the shield in place (*i.e.*, as a "backless child restraint system").