

old, 3-year-old, and 6-year-old dummies and activation testing using the 5th percentile adult female test dummy, respectively, utilize the seat cushion reference angle generated in S16.2.10.3.1. Although petitioners did not refer to these sections, we believe that consistency between S16 and S26 and S20, S22, and S24 is important. As such, these sections are being similarly amended.

For additional clarification, we are adding a definition of "seat cushion reference point" (SCR) as a new section, S16.3.1.12. The SCR is a point on the side of the seat cushion. This definition, along with seat cushion angle, clearly specifies the desired seat position. The mid-height positioning previously specified in S20, S22, and S24 is maintained, but now defined in terms of the SCR.

It is also important to note that if the regulatory text requires "seat adjustment," this is a change in position of the entire seat including the seat cushion and back. If "seat cushion" or "seat back" is specified, it indicates adjustment of these components independent of the rest of the seat.

We recognize that the amendments made to the barrier tests that use the 5th percentile adult female test dummy may be appropriate for incorporation into the barrier tests that use the 50th percentile adult male test dummy. However, we also recognize the time sensitive nature of the petitions for reconsideration and the need to address the issues raised in those petitions. Therefore, at this time we are not incorporating such amendments into the barrier tests that use the 50th percentile adult male dummy, but may consider such changes at a later date.

#### *B. Rear Facing Child Restraint System (RFCRS) (Low Risk Deployment and Indicant Test Procedures)*

In the December 2001 final rule, the agency specified seat track, seat height, head restraint, and seat back angle in the positioning procedures for each of the low risk deployment tests, including the infants in RFCRS test option. DaimlerChrysler subsequently petitioned the agency, requesting clarification as to whether the infants in RFCRS test option, under the requirements of S19.3 of FMVSS No. 208, is performed with the seat in the full forward position only, or in the full forward, middle, and full rearward positions.

DaimlerChrysler claimed that there is an inconsistency in the seating position requirements of the General Provisions of S20.1.2 and the low risk deployment test procedure specified in S20.4.1.

Section 20.1.2 states that certification is required at full forward, middle and full rearward positions. S20.4.1, which is under the low risk deployment test procedure, simply specifies a full forward position. DaimlerChrysler recommended that if it is the agency's desire to perform the low risk deployment test in the full forward position, the agency should place the phrase "unless otherwise specified" into S20.1.1. This would be consistent with the regulatory text covering the 3-year-old low risk deployment test in S22.1.2.

We do not believe there is any inconsistency between the general seating positioning procedures and the low risk deployment tests. Although S20.1.2 does not make the qualifying statement, "unless otherwise specified," S20.1.9, *Seat set-up*, does. However, in order to alleviate confusion, we are amending S20.1.2 to include the phrase "unless otherwise specified." The text in S20.1.2 is now consistent with S22.1.2 and S24.1.2, which specify seat track positions in the General Provisions for the requirements using the 3-year-old and 6-year-old, respectively.

In light of the petitioner's confusion, the agency is also amending S20.4.9, which specifies the required seating position for the 64 km/h (40 mph) indicant test. It may have been unclear from the text in the December 2001 final rule that the indicant test is to be performed in the rearward facing position at the full forward, middle, and full rearward seat positions. In the December 2001 final rule, the position reference in S20.4.9 was changed from S20.2.1 to S20.4. This change served to emphasize that only the rearward facing position of the CRS is necessary for the 64 km/hr (40 mph) indicant test. However, this had the inadvertent effect of limiting the indicant test to only the full forward position of the seat. This was not our intent. Therefore, S20.4.9 is amended to reference S20.4 for the dummy positioning and S20.2.1 for the seat track positions; full forward, middle, and full rearward.

#### *C. Low Risk Deployment Test Procedure—Seat Track Position*

We are denying the petition to amend the seat track position requirements for the low risk deployment 26 km/h (16 mph) indicant test under S22.5. The Advanced Air Bag Rule specified the use of the 50th percentile adult male test dummy in the mid-track position. The December 2001 final rule amended the passenger side requirement to a 5th percentile adult female test dummy seated in any track position. The agency stated that it did not want

"manufacturer's to rely on seat track based systems to assure a low risk deployment at speeds up to 26 km/h (16 mph)." 66 FR 65376, 65393.

The Alliance again petitioned the agency to amend S22.5 so that for systems that do not rely on seat-track-based sensors to determine the air bag deployment stage, the low risk deployment 26 km/h (16 mph) indicant test would only be performed at the mid-track position. The Alliance stated that for such systems, testing in all positions was superfluous.

There is not sufficient reason to grant Alliance's request. The test is done simply to determine the stage of air bag deployment and is not required to have an instrumented dummy. If a manufacturer's system is not affected by seat track position, then the seat position will not influence the air bag deployment stage(s), and only a single test would be needed.

#### **V. Test Dummy Positioning Procedures**

##### *A. Left Foot—5th Percentile Adult Female Test Dummy (Barrier Test)*

We are clarifying the guidance for pedal interference with the dummy's left foot by establishing a prioritized list of avoidance positioning and we are extending this guidance to avoiding undesirable contact with the foot rest. The December 2001 final rule amended the driver's left foot positioning requirement for the 5th percentile adult female test dummy under FMVSS No. 208, by stipulating that the foot must not be placed on the foot rest or wheel-well projection. Mitsubishi, Honda, and Toyota have further petitioned the agency regarding procedures for positioning the left foot of the 5th percentile adult female test dummy in the barrier test. Mitsubishi, Toyota, and Honda recommended revisions to the placement of the left foot.

Mitsubishi and Honda petitioned the agency to allow the left foot of the dummy to be placed on the foot rest in the frontal barrier test, just as the 50th percentile adult male dummy's foot is placed in the frontal barrier test. Toyota suggested a revision to S16.3.2.2.3 to avoid a conflict between the knee and foot positions.

Honda stated that if, because of the variability of the knee positioning, a small part of the left foot sits on the foot rest there will be an increase in chest and femur loads due to ankle rotation. Honda additionally stated that if positioning resulted in the left foot resting on the foot rest, "it is not natural or reasonable that the foot should be moved rearward so that the heel does not contact the foot rest."