

the Priority 3 and 4 categories will be further limited to those where, during an emergency, at least one station in the circuit, or connected circuits if switched service is involved, will be manned continually unless such circuits are automated and under constant surveillance from a remote location."

8. Except for NATO requirements, foreign governments desiring to obtain priority of restoration for their private line services which terminate in the United States will submit requests therefor to the U.S. Department of State for approval. The Department of State will refer approved foreign government services and recommended restoration priority assignments to the Executive Agent, NCS, for further processing. NATO requirements will be submitted to the Department of Defense in accordance with established procedures.

9. U.S. carriers shall, so far as practicable, effect the restoration of U.S. portions of interrupted international private line services in accordance with this order. In dealing with interrupted foreign portions of international leased private line services, the U.S. carriers should endeavor, by advance agreements with their foreign correspondents (except as indicated below), to effect the restoration of private line services in accordance with this order. Lacking such arrangement, U.S. carriers should handle service restoration in accordance with any system acceptable to their foreign correspondents which meets, or comes closest to meeting, the procedures described herein. Procedures affecting Government services which, in the judgment of the U.S. carriers, are not reasonably consistent with this order, should be referred to the Executive Agent, NCS. In some instances, U.S. Government-foreign government arrangements exist for the restoration of U.S. Government foreign leased private line extensions. The Executive Agent, NCS, will keep the U.S. carriers informed of those arrangements made by him.

10. To insure the effectiveness of this revised system of priorities it is required that a rigorous examination be made by users to determine whether the requirements for a private line service justify placing it into one of the priority categories. It should be understood that communication facilities other than private line service may be available to qualified users during emergencies. These other facilities include the public correspondence message services of the common carriers and the U.S. mail service.

11. Initial requests for restoration priority assignments which are denied by the certifying agency may be resubmitted by the requestor for reconsideration. Final disposition of such resubmitted requests will be made by the appropriate certifying agency after coordination with the Director of Telecommunications Management/Special Assistant to the President for Telecommunications (DTM/SAPT).

12. The procedures for implementing this revised system, so that its effectual use can be attained, will be as follows:

a. All priority certifications for private line services made in accordance with Defense Mobilization Order 3000.1 were previously canceled on July 15, 1967.

b. Federal Communications Commission Order 67-51 (32 F.R. 788 (1967)) is hereby superseded by this order.

c. The Director of Telecommunications Management's notice dated February 18, 1966 (31 F.R. 3204) was canceled by action of the DTM.

d. Lists of Federal and foreign government private line circuits to be included in the Priority 1, 2, 3, and 4 categories will be furnished by the Executive Agent, NCS, to the carriers.

e. A list of those industrial/commercial private line services which have been earmarked for prearranged voluntary partici-

pation with the Federal Government during emergencies and which are included in the Priority 1, 2, 3, and 4 categories will be furnished to the carriers by the Federal Communications Commission.

f. Applications for priority certifications for State and local government (and quasi-State and local government agencies) and for industrial/commercial private line circuits within the Priority 3 and 4 categories shall be submitted to the Federal Communications Commission, Washington, D.C. 20554, and the carriers will be notified of certifications issued.

g. Requestors will be notified of actions taken regarding applications.

13. Applications for priority certifications for Government circuits other than Federal and foreign; and for industrial/commercial circuits shall be in triplicate on FCC Form 915 (revised April 1970) and signed by the head of such government agency or by a principal officer of the company or organization, as applicable.

14. State and local government (and quasi-State and local government agency) and industrial/commercial users of private line services having circuits within the Priority 3 and 4 classifications shall reexamine their circuit requirements at least every 6 months, and inform the FCC of any appropriate reclassifications in triplicate on FCC Form 915 (revised April 1970).

15. To assist the Commission in maintaining accurate records of FCC-certified priority circuits, the carriers shall notify the Commission when any such circuits are relinquished by a user.

16. To assist the Executive Agent, NCS, in maintaining accurate records the carriers will notify the Executive Agent when a Federal or foreign government private line service which is not a part of the NCS, but which carries a priority certification, is relinquished by the user.

17. This order is issued pursuant to sections 1, 4(1), and 201 through 205 of the Communications Act of 1934, as amended, and Executive Order 11490. Pursuant to title 5 United States Code, section 1003(a) the Federal Communications Commission finds and hereby states that the notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest with respect to the promulgation of this order for the reason that the subject matter of this order involves the military and defense function of the United States, that representatives of the common carriers to which this order applies have been informally consulted prior to promulgation of this order and that this order has been coordinated with the Director of Telecommunications Management.

In accordance with the foregoing: It is ordered, Effective April 1, 1970, that Appendix A to Part 64 of the Commission's rules and regulations is revised as set forth above.

(Secs. 1, 4, 201, 202, 203, 204, 205, 48 Stat. as amended, 1064, 1066, 1070, 1071, 1072; 47 U.S.C. 151, 154, 301, 202, 203, 204, 205, and E.O. 11092 of Feb. 26, 1963)

Adopted: March 18, 1970.

Released: March 20, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-3649; Filed, Mar. 25, 1970;
8:51 a.m.]

¹ Commissioner Johnson absent.

Chapter II—Director of Telecommunications Management

PART 201—PRIORITY SYSTEM FOR THE USE AND RESTORATION OF LEASED INTERCITY PRIVATE LINE SERVICES DURING EMERGENCY CONDITIONS

Priorities

In F.R. Doc. 67-793, § 201.5, paragraphs (c) (9) and (d) have been revised to read as follows:

§ 201.5 Priorities.

* * * *

(c) * * *
(9) Industrial/commercial, State, county, municipal, and quasi-State and local government agencies circuit requirements in priority 3 will be afforded only to those where, during an emergency, at least one station in the circuit or connected circuits, if switched service is involved, will be manned continually unless such circuits are automated and under constant surveillance from a remote location.

(d) Priority 4. This priority will be afforded only to those additional minimum government, quasi-government and industrial/commercial customer private line circuit requirements whose early restoration is necessary during any national emergency for the maintaining of public welfare and the national economic posture. Included in this category would be only those for continuing our more important financial, economic, health and safety activities in a condition short of nuclear attack or during reconstitution after attack. Industrial/commercial, State, county, municipal, and quasi-State and local government agencies circuit requirements in Priority 4 will be afforded only to those where, during an emergency, at least one station in the circuit or connected circuits, if switched service is involved, will be manned continually unless such circuits are automated and under constant surveillance from a remote location.

Dated: March 23, 1970.

WILLIAM E. PLUMMER,
Acting Director of
Telecommunications Management.

[F.R. Doc. 70-3637; Filed, Mar. 25, 1970;
8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 70-41]

PART 1—GENERAL PROVISIONS

Subpart 1.20—Disclosure of Records

TESTIMONY BY COAST GUARD PERSONNEL IN LEGAL PROCEEDINGS

The purpose of this amendment is to revise the regulations regarding testimony of Coast Guard personnel in legal

proceedings to make them consistent with the regulations of the Department of Transportation in 49 CFR, Part 9.

Since this amendment relates to agency management, procedure, and practice, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553 and may be made effective in less than 30 days after publication in the *FEDERAL REGISTER*.

Accordingly, § 1.20-1 is revised to read as follows:

§ 1.20-1 Testimony by Coast Guard personnel.

(a) No member or employee of the Coast Guard may testify as to any matter related to his official duties or the functions of the Coast Guard in any suit or action in the courts except as provided in 49 CFR, Part 9.

(b) A request for a member or employee of the Coast Guard to testify, or a request for permission to interview a member or employee of the Coast Guard should be made to the district legal officer of the Coast Guard district in which the member or employee is serving. In the case of personnel at Coast Guard Headquarters, the request should be directed to the Chief Counsel, U.S. Coast Guard.

(Sec. 632, 63 Stat. 504, as amended, sec. 6(b) (1), 80 Stat. 937; 14 U.S.C. 632, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

Effective date. This amendment shall become effective on the date of publication in the *FEDERAL REGISTER*.

Dated: March 19, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-3648; Filed, Mar. 25, 1970;
8:51 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

PART 351—PROCEDURAL RULES

PART 353—RULEMAKING PROCEDURES: MOTOR VEHICLE SAFETY STANDARDS

PART 355—APPLICATION FOR TEMPORARY EXEMPTIONS FROM MOTOR VEHICLE SAFETY STANDARDS

PART 367—CERTIFICATION

PART 369—REGROOVED TIRES

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 375—CONSUMER INFORMATION REGULATIONS

CROSS REFERENCE: For a document redesignating Parts 351, 353, 355, 367, 369, 371, and 375 as Parts 551, 553, 555, 567, 569, 571, and 575 respectively and establishing a new Chapter V, see F.R. Doc. 70-3656 *supra*.

Chapter V—National Highway Safety Bureau, Department of Transportation

[Docket No. 70-4]

ESTABLISHMENT OF CHAPTER

A new chapter V is added to Title 49 of the Code of Federal Regulations. This chapter is established to organize the regulations of the Department of Transportation which are under the jurisdiction of the National Highway Safety Bureau.

As a result of a reorganization within the Department of Transportation effective March 22, 1970 (35 F.R. 4955), the National Highway Safety Bureau has been removed from the Federal Highway Administration and established as a separate operating administration within the Department. The Motor Vehicle Safety Regulations and related regulations in subchapter A of chapter III of title 49 will hereafter be under the jurisdiction of the National Highway Safety Bureau and therefore are being transferred from chapter III to chapter V. To minimize confusion as a result of this transfer, only the first number of the part is being changed. Thus, for example, Part 351 becomes Part 551. In addition, minor changes are made in the text where necessary to reflect the internal reorganization.

Since this amendment relates to Departmental organization management and merely makes minor changes in existing regulatory material, notice and public procedure thereon are unnecessary and good cause exists for making it effective in less than 30 days' notice.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended, effective March 23, 1970, as follows:

I. By adding a new chapter V, National Highway Safety Bureau, Department of Transportation, to consist of former Parts 351, 353, 355, 367, 369, 371, and 375. The following redesignation table shows the relationship between the new and old part numbers:

| New Part No. | Old Part No. |
|--------------|--------------|
| 551 | 351 |
| 553 | 353 |
| 555 | 355 |
| 567 | 367 |
| 569 | 369 |
| 571 | 371 |
| 575 | 375 |

II. By amending Part 551 as follows:

(a) Section 551.33 is amended to read as follows:

§ 551.33 Address of communication.

Unless otherwise specified communications shall be addressed to the Director, National Highway Safety Bureau, U.S. Department of Transportation, Washington, D.C. 20591. Communications may not be addressed to a staff member's private address.

(b) Paragraph (b) of 551.45 is amended by striking out the first two sentences thereof and inserting the following in place thereof:

The designation shall be addressed to the Director, National Highway Safety Bureau, U.S. Department of Transportation, Washington, D.C. 20591.

III. By revising Part 553 to read as follows:

PART 553—RULE-MAKING PROCEDURES: MOTOR VEHICLE SAFETY STANDARDS

Subpart A—General

| Sec. | |
|-------|--------------------|
| 553.1 | Applicability. |
| 553.3 | Definitions. |
| 553.5 | Regulatory docket. |
| 553.7 | Records. |

Subpart B—Procedures for Adoption of Rules Under Sections 103 and 119 of the Act

| | |
|--------|---|
| 553.11 | General. |
| 553.13 | Initiation of rule making. |
| 553.15 | Contents of notices of proposed rule making. |
| 553.17 | Participation of interested persons. |
| 553.19 | Petitions for extension of time to comment. |
| 553.21 | Contents of written comments. |
| 553.23 | Consideration of comments received. |
| 553.25 | Additional rule-making proceedings. |
| 553.27 | Hearings. |
| 553.29 | Adoption of final rules. |
| 553.31 | Petitions for rule making. |
| 553.33 | Processing of petitions. |
| 553.35 | Petitions for reconsideration. |
| 553.37 | Proceedings on petitions for reconsideration. |

AUTHORITY: The provisions of this Part 553 issued under secs. 103 and 119, 80 Stat. 728; 15 U.S.C. 1392, 1407; and 49 CFR Part 1.

Subpart A—General

§ 553.1 Applicability.

The part prescribes rule-making procedures that apply to the issue, amendment, and revocation of rules under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966.

§ 553.3 Definitions.

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563, 15 U.S.C. 1391, et seq.

"Director" means the Director of the National Highway Safety Bureau or a person to whom he has delegated final authority in the matter concerned.

"Rule" includes any order, regulation, or Federal motor vehicle safety standard issued under the Act.

§ 553.5 Regulatory docket.

(a) Information and data deemed relevant by the Director relating to rule-making actions, including notices of proposed rule making; comments received in response to notices; petitions for rule making and reconsideration; denials of petitions for rule making and reconsideration; records of additional rule-making proceedings under § 553.25; and final rules are maintained in the Docket Room, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591.

(b) Any person may examine any docketed material at the Docket Room at any time during regular business hours after the docket is established, except material ordered withheld from the public under sections 112 and 113 of the Act (15 U.S.C. 1401, 1402) and section 552(b) of title 5 of the United States Code, and may obtain a copy of it upon payment of a fee.

§ 553.7 Records.

Records of the National Highway Safety Bureau relating to rule-making proceedings are available for inspection as provided in section 552(b) of title 5 of the United States Code and Part 7 of the regulations of the Secretary of Transportation (Part 7 of this title).

Subpart B—Procedures for Adoption of Rules Under Sections 103 and 119 of the Act

§ 553.11 General.

Unless the Director, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings involving rules under sections 103 and 119 of the Act.

§ 553.13 Initiation of rule making.

The Director initiates rule making on his own motion. However, in so doing, he may, in his discretion, consider the recommendations of other agencies of the United States or of other interested persons.

§ 553.15 Contents of notices of proposed rule making.

(a) Each notice of proposed rule making is published in the *FEDERAL REGISTER*, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the *FEDERAL REGISTER* or personally served, includes—

- (1) A statement of the time, place, and nature of the proposed rule-making proceeding;
- (2) A reference to the authority under which it is issued;
- (3) A description of the subjects and issues involved or the substance and terms of the proposed rule;
- (4) A statement of the time within which written comments must be submitted; and
- (5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 553.17 Participation by interested persons.

(a) Any interested person may participate in rule-making proceeding by submitting comments in writing containing information, views or arguments.

(b) In his discretion, the Director may invite any interested person to participate in the rule-making procedures described in § 553.25.

§ 553.19 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than 3 days before expiration of the time stated in the notice. It is requested, but not required, that 10 copies be submitted. The filing of the petition does not automatically extend the time for petitioner's comments. Such a peti-

tion is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the *FEDERAL REGISTER*.

§ 553.21 Contents of written comments.

All written comments must be in English. It is requested, but not required, that 10 copies be submitted. Any interested person must submit as part of his written comments all the material that he considers relevant to any statement of fact made by him. Incorporation of material by reference is to be avoided. However, if such incorporation is necessary, the incorporated material shall be identified with respect to document and page.

§ 553.23 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments may be considered as far as practicable.

§ 553.25 Additional rule-making proceedings.

The Director may initiate any further rule-making proceedings that he finds necessary or desirable. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Director or his representative and interested persons at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Director at which a transcript or minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

§ 553.27 Hearings.

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, nonadversary, fact-finding proceedings, at which there are no formal pleadings or adverse parties. Any rule issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Director designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 553.29 Adoption of final rules.

Final rules are prepared by representatives of the office concerned and the Office of the General Counsel. The rule is then submitted to the Director for his consideration. If the Director adopts the rule, it is published in the *FEDERAL REGISTER*, unless all persons subject to it are named and are personally served with a copy of it.

§ 553.31 Petitions for rule making.

(a) Any interested person may petition the Director to establish, amend, or repeal a rule.

(b) Each petition filed under this section must—

- (1) Be submitted in duplicate to the Docket Room, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591;
- (2) Set forth the text or substance of the rule or amendment proposed, or specify the rule that the petitioner seeks to have repealed, as the case may be;
- (3) Explain the interest of the petitioner in the action requested; and
- (4) Contain any information and arguments available to the petitioner to support the action sought.

§ 553.33 Processing of petition.

(a) *General.* Unless the Director otherwise specifies, no public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Director determines that the petition contains adequate justification, he initiates rule-making action under this subpart B.

(c) *Denials.* If the Director determines that the petition does not justify rule making, he denies the petition.

(d) *Notification.* Whenever the Director determines that a petition should be granted or denied, the Office of the General Counsel prepares a notice of that grant or denial for issuance to the petitioner, and the Director issues it to the petitioner.

§ 553.35 Petitions for reconsideration.

(a) Any interested person may petition the Director for reconsideration of any rule issued under this part. The petition must be submitted to the Docket Room, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. The petition must be received not later than 30 days after publication of the rule in the *FEDERAL REGISTER*. Petitions filed after that time will be considered as petitions filed under § 553.31. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Director within the prescribed time.

(c) The Director does not consider repetitious petitions.

(d) Unless the Director otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.

§ 553.37 Proceedings on petitions for reconsideration.

The Director may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any rule, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate.

Whenever the Director determines that a petition should be granted or denied, he prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and issues it to the petitioner. The Director may consolidate petitions relating to the same rule.

IV. By amending Part 555 as follows: (a) Section 555.1 is amended by striking out the word "Administrator" and inserting the words "Director, National Highway Safety Bureau" in place thereof.

(b) Section 555.5(a) is amended by striking out the words "Federal Highway Administrator" and inserting the words "Director, National Highway Safety Bureau" in place thereof.

(c) Section 555.5(b) is amended by striking out the words "Administrator, Federal Highway Administration" and inserting the words "Director, National Highway Safety Bureau" in place thereof.

(d) Section 555.11 is amended by striking out the words "Federal Highway Administration" in paragraph (a) and inserting the words "National Highway Safety Bureau" in place thereof; by striking out the words "Federal Highway Administrator" in paragraph (b) and inserting the words "Director, National Highway Safety Bureau" in place thereof; and by striking out the word "Administrator" in paragraph (c) and inserting the word "Director" in place thereof.

(e) Section 551.13(a)(6) is amended by striking out the designation "FHWA" and inserting the designation "NHSB" in place thereof.

(f) Section 555.17 is amended by striking out the words "Docket File Room, Room 512, Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591" and inserting the words "Docket Room, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591" in place thereof, and by striking out the word "File" in paragraph (b).

(g) Section 555.19 is amended by striking out the words "Federal Highway Administrator" and inserting the words "Director, National Highway Safety Bureau" in place thereof.

V. By amending Part 571 as follows:

(a) Section 571.5 is amended by striking out the words "Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591" in the last sentence thereof and inserting the words "National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591" in place thereof.

(b) Section 571.21 is amended by—

(1) Striking out the words "Federal Highway Administration" in Appendix A to Motor Vehicle Safety Standards No. 109 and inserting the words "National Highway Safety Bureau" in place thereof; and

(2) Striking out the words "Federal Highway Administration" in Appendix A to Motor Vehicle Safety Standards No. 110.

VI. By amending § 575.6 of Part 575 by striking out the word "Administrator" in paragraph (c) and by inserting the words "Director, National Highway Safety Bureau" in place thereof.

(Secs. 103 and 119, 80 Stat. 728; 15 U.S.C. 1392, 1407; and Part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C., on March 23, 1970.

DOUGLAS TOMS,
Director,
National Highway Safety Bureau.

[F.R. Doc. 70-3856; Filed, Mar. 25, 1970; 8:51 a.m.]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 213; Child Seating Systems

Many young children are killed and injured needlessly in motor vehicle accidents each year. By a conservative estimate, the use of child seating systems designed and built with safety in mind can produce a substantial reduction in fatalities and injuries.

One difficulty with achieving this goal is that child seating systems on the market today run the gamut from those that offer excellent crash protection to devices which do little to protect a child in the event of accident and, indeed, may actually increase the severity of his injuries. In this latter category are systems which, though advertised and promoted as safety seats, are little more than child positioning devices. The parent who buys and installs one of these devices may be lulled into believing he has thereby assured the safety of his child. However, some of these systems are in fact hazardous to the child who occupies them. Many have sharp edges, hard unyielding surfaces, and low resistance to collapse.

Consequently, the Director has concluded that the interests of motor vehicle safety would be served by requiring all child seating systems to meet minimum performance standards. He anticipates that improvements in the safety performance of child seating systems will reduce deaths and injuries in two principal ways: First, children occupying the systems will be better protected against injury and death; second, more small children will be carried in the improved systems instead of being allowed to go unrestrained in moving motor vehicles.

It should be emphasized that the performance criteria established in this standard are minimum ones. Many seating systems now available exceed the requirements of the standard, and there are some which have safety features that the standard—because of its universal application—does not require. Additional research activities are underway to evaluate child restraint systems for the purpose of identifying further performance criteria suitable for inclusion in the standard.

A notice of proposed rule making relating to child seating systems was issued

on January 17, 1969 (34 F.R. 1172). At the request of a number of interested persons, the time to file comments on the contents of the proposed rule was twice extended (34 F.R. 2564; 34 F.R. 7032). In general, the responses to the notice were both constructive and helpful. A trade association composed of manufacturers of child seating systems and other products employed a consulting firm to evaluate the proposed standard and to conduct a survey of users of child seating systems. Its reports were extremely valuable in formulating the final rule. In general, persons who filed comments agreed on the need for a motor vehicle safety standard covering child seating systems. There was also general agreement on the features of the various systems that should be regulated and required. Naturally, differing views were expressed on the details of the proposed standard as well as the performance levels to be specified.

These comments, and other available data, have been carefully considered. They have convinced the Director that it is practicable to produce and market child seating systems of various designs that will provide much-needed crash protection to their young occupants and, at the same time, be within the means of parents and others who are concerned about the safety of infant passengers.

The standard defines a child seating system as an item of motor vehicle equipment for seating and restraining a child being transported in a passenger car, multipurpose passenger vehicle, truck, or bus. Devices for seating a child, which utilize the vehicle restraint system or a restraint system incorporated as part of the device, or both, are covered. Excluded from the coverage of the standard are devices solely for use on motorcycles and Type 3 seat belt assemblies which, while they provide restraint, do not provide seating for the child. (Performance standards for Type 3 seat belt assemblies are included in Motor Vehicle Safety Standard No. 209). Also excluded are devices, such as "car beds", for use by recumbent and semirecumbent children. It is anticipated that these devices will be the subject of rule making after completion of research into criteria for maximizing their safety.

Under the standard, manufacturers will be required to provide purchasers of seating systems with information relating to their proper installation and use. The safe performance of a child seating system depends, in large measure, on its proper installation and use. However, the jurisdiction of the Department does not extend to the persons who install the systems and position children in them. Therefore, it is essential for system manufacturers to provide consumers with clear guidance on these points. In a major change from the labeling requirement in the notice of proposed rule making, the Director has decided to permit each manufacturer to specify recommended height and weight limits for children who can safely occupy his systems, without requiring all systems to be recommended for children having any specific height or weight. The purpose of the change is