

Paragraph S9.5 of 49 CFR 571.225 requires in pertinent part that:

S9.5 Marking and conspicuity of the lower anchorages. Each vehicle shall comply with S9.5(a) or (b).

(a) Above each bar installed pursuant to S4, the vehicle shall be permanently marked with a circle:

(1) That is not less than 13 mm in diameter;

(2) That is either solid or open, with or without words, symbols or pictograms, provided that if words, symbols or pictograms are used, their meaning is explained to the consumer in writing, such as in the vehicle's owners manual; and

(3) That is located such that its center is on each seat back between 50 and 100 mm above or on the seat cushion 100 (±) 25 mm forward of the intersection of the vertical transverse and horizontal longitudinal planes intersecting at the horizontal centerline of each lower anchorage, as illustrated in Figure 22. The center of the circle must be in the vertical longitudinal plane that passes through the center of the bar (±25 mm).

(4) The circle may be on a tag.

(b) The vehicle shall be configured such that the following is visible: Each of the bars installed pursuant to S4, or a permanently attached guide device for each bar. The bar or guide device must be visible without the compression of the seat cushion or seat back, when the bar or device is viewed, in a vertical longitudinal plane passing through the center of the bar or guide device, along a line making an upward 30 degree angle with a horizontal plane. Seat backs are in the nominal design riding position. The bars may be covered by a removable cap or cover, provided that the cap or cover is permanently marked with words, symbols or pictograms whose meaning is explained to the consumer in written form as part of the owner's manual.

Hyundai described the noncompliance as the failure to provide specific written explanation of the meaning of the pictogram that appears on the lower anchorage identification circles in the owner's manuals provided with the affected vehicles.

Hyundai explained its belief that paragraph S9.5 of FMVSS No. 225 requires that above each child restraint lower anchorage the vehicle shall be permanently marked with: A circle that is not less than 13 mm in diameter, that is either solid or open, with or without words, symbols or pictograms, provided that if words, symbols or pictograms are used, their meaning is explained to the consumer in writing, such as in the vehicle's owner's manual.

Hyundai also explained that the owner's manuals of the affected vehicles contain a section titled "Child seat lower anchorages" that provides illustrations indicating the locations of the child restraint lower anchorages and written descriptions of the locations of the child restraint lower anchorages.

Hyundai expressed its belief that the vehicles are properly marked, as required by paragraph S9.5 of FMVSS No. 225, with solid circles to identify the locations of the lower anchorages. Hyundai also stated that those solid circles contain pictograms, which represent a child seated in a child restraint. However, the owner's manuals provided with the affected vehicles do not contain a specific written explanation of the meaning of the pictogram that appears on the identification circles.

Hyundai states that it believes the noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) When the requirements of paragraph S9.5 were first implemented over 7 years ago, there may have been the potential to misunderstand the newly adopted child restraint lower anchorage identification mark. Therefore, NHTSA decided that a circle must be used, to standardize the symbol used to identify the anchorages, because standardization would likely increase user recognition of the symbol. The standardized circle has now appeared in almost every U.S. vehicle for more than 7 years, allowing the public to gain familiarity with its purpose. In reference to the identification circles, FMVSS 225 No. S9.5(a)(2) states that they may be "with or without words, symbols or pictograms". If the identification circle does not contain any pictogram, it does not require a written explanation.

(2) The simple pictogram representing a child seated in a child restraint enhances the identification provided by the circle. The missing written explanation of the meaning of the pictogram does not affect the ability of a person to locate the lower anchorages, aided by the visual indication of the identification circles and the illustrations and written explanations provided in the owner's manual, and does not affect the ability of the lower anchorages to properly secure a child restraint.

In addition, Hyundai stated that even though it will include a written explanation in future printings of the subject owner's manual, it strongly believes that the missing written explanation is an inconsequential noncompliance that poses no threat to the safety of its customers.

Hyundai also states that no customer complaints have been received related to the lack of a written explanation of the meaning of the pictogram or any problems that may have resulted from the lack of a written explanation of the meaning of the pictogram.

Hyundai requested that NHTSA consider its petition and grant an exemption from the recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance described above is inconsequential as it relates to motor vehicle safety.

NHTSA Decision

NHTSA agrees with Hyundai that the noncompliance is inconsequential to motor vehicle safety.

The pictogram that Hyundai imprinted on the lower anchorage identification circles is designated by the ISO (the International Organization for Standardization), a worldwide federation of national standards bodies, as a "child seat"¹ symbol for use in road vehicle controls, indicators and tell-tales.

Although a description of the pictogram in the owner's manual can improve a user's recognition of the purpose for the lower anchorages, we think the risk created by this particular noncompliance is negligible with no impact on child occupant safety.

In consideration of the foregoing, NHTSA has decided that Hyundai has met its burden of persuasion that the labeling noncompliances described are inconsequential to motor vehicle safety. Accordingly, Hyundai's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliances under 49 U.S.C. 30118 and 30120.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 27, 2008.

Daniel C. Smith,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. NHTSA-2008-0126]

National EMS Advisory Council; Notice of Federal Advisory Committee Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: National EMS Advisory Council; Notice of Federal Advisory Committee Meeting.

¹ ISO 2575: Road vehicles—Symbols for controls, indicators and tell-tales.

SUMMARY: NHTSA announces a meeting of the National Emergency Medical Services Advisory Council (NEMSAC) to be held in the Metropolitan Washington, DC area. This notice announces the date, time and location of the meeting, which will be open to the public. The purpose of NEMSAC is to provide a nationally recognized council of emergency medical services representatives and consumers to provide advice and recommendations regarding EMS to the U.S. DOT's National Highway Traffic Safety Administration (NHTSA).

DATES: The meeting will be held on July 17, 2008, from 9 a.m. to 5 p.m. and July 18, 2008, from 9 a.m. to Noon. A public comment period will take place on July 18, 2008, between 10:45 a.m. and 11:15 a.m.

Comment Date: Written comments or requests to make oral presentations must be received by July 10, 2008.

ADDRESSES: The meeting will be held at the Marriott Crystal City at Reagan National Airport, 1999 Jefferson Davis Highway, Arlington, VA 22202. Persons wishing to make an oral presentation or who are unable to attend or speak at the meeting may submit written comments. Written comments and requests to make oral presentations at the meeting should reach Drew Dawson at the address listed below and must be received by July 10, 2008.

All submissions received must include the docket number, NHTSA-2008-0126 and may be submitted by any one of the following methods:

You may submit or retrieve comments online through the Document Management System (DMS) at <http://www.regulations.gov/> under the docket number listed at the beginning of this notice. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help guidelines are available under the help section of the Web site.

An electronic copy of this document may be downloaded from the **Federal Register's** home page at <http://www.archives.gov> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available.

E-mail: drew.dawson@dot.gov or susan.mchenry@dot.gov.

Fax: (202) 366-7149.

FOR FURTHER INFORMATION CONTACT:

Drew Dawson, Director, Office of Emergency Medical Services, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., NTI-140, Washington, DC 20590, Telephone number (202) 366-9966; E-mail Drew.Dawson@dot.gov.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C. App. 1 *et seq.*) The NEMSAC will be holding its second meeting on Thursday and Friday, July 17 and 18, 2008, at the Marriott Crystal City at Reagan National Airport, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Agenda of Council Meeting, July 17-18, 2008

The tentative agenda includes the following:

Thursday, July 17, 2008

- (1) Opening Remarks and Swearing in of members not in attendance at first meeting;
- (2) Introduction of Members and all in attendance;
- (3) Review and Approval of Minutes of last meeting;
- (4) Discussion of process for prioritizing EMS Issues identified at first meeting;
- (5) Voting on priority EMS Issues;
- (6) Discussion of potential committees and committee charges.

Friday, July 18, 2008

- (1) Welcome and Introductions;
- (2) Unfinished Business from July 17th;
- (3) Federal Interagency Committee on Emergency Medical Services Report;
- (4) New Issues or Concerns;
- (5) Public comment period;
- (6) Next steps and future meetings.

A public comment period will take place on July 18, 2008, between 10:45 a.m. and 11:15 a.m.

Public Attendance: The meeting is open to the public. Persons with disabilities who require special assistance should advise Drew Dawson of their anticipated special needs as early as possible. Members of the public who wish to make comments on Friday, July 18 between 10:45 a.m. and 11:15 a.m. are requested to register in advance. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 3 minutes. For those wishing to submit written comments, please follow the procedure noted above.

This meeting will be open to the public. Individuals wishing to register must provide their name, affiliation, phone number, and e-mail address to Drew Dawson by e-mail at drew.dawson@dot.gov or by telephone at (202) 366-9966 no later than July 10, 2008. There will be limited seating, so please register early. Pre-registration is necessary to enable proper arrangements.

Minutes of the NEMSAC Meeting will be available to the public online through the DOT Document Management System (DMS) at: <http://www.regulations.gov> under the docket number listed at the beginning of this notice.

Issued on: June 27, 2008.

Jeffrey P. Michael,

Acting Associate Administrator for Research and Program Development.

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