# § 97.21 Application for a modified or renewed license.

(a) \* \* \*

(3) May apply for renewal of the license for another term. (The FCC may mail to the licensee an FCC Form 610–R that may be used for this purpose.)

(i) When the license does not show a call sign selected by the vanity call sign system, the application may be made on FCC Form 610-R if it is received from the FCC. If the Form 610-R is not received from the FCC within 30 days of the expiration date of the license for an operator/primary station license, the application may be made on FCC Form 610. For a club, military recreation, or RACES station license, the application may be made on FCC Form 610-B. The application may be submitted no more than 90 days before its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325–7245. When the application for renewal of the license has been received by the FCC at 1270 Fairfield Road, Gettysburg, PA 17325–7245 prior to the license expiration date, the license operating authority is continued until the final disposition of the

(ii) When the license shows a call sign selected by the vanity call sign system, the application must be filed as

specified in § 97.19(b).

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## **DEPARTMENT OF TRANSPORTATION**

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 39] RIN 2127-AF39

Federal Motor Vehicle Safety Standards; Child Restraint Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation. **ACTION:** Final rule; response to petitions for reconsideration.

SUMMARY: In response to petitions for reconsideration of a February 1994 final rule, this rule amends labeling requirements in Federal Motor Vehicle Safety Standard (FMVSS) 213, *Child Restraint Systems*. The final rule requires each rear-facing infant restraint system to bear a label warning against using the restraint in any vehicle seating position equipped with an air bag. This document increases the effectiveness of that warning.

**DATES:** This rule is effective May 9, 1995.

Petitions for reconsideration of the rule must be received by March 10, 1995.

ADDRESSES: Petitions for reconsideration should refer to the docket and number of this document and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Washington, D.C., 20590.

FOR FURTHER INFORMATION CONTACT: Dr. George Mouchahoir, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590 (telephone 202–366–4919).

#### SUPPLEMENTARY INFORMATION:

### **Background**

On February 16, 1994 (59 FR 7643), NHTSA published a final rule amending Standard 213. The amendment required, *inter alia*, that each add-on child restraint system designed to be used while it and its occupant are rearward facing (referred to as a "rear-facing infant restraint") bear a label warning against using the restraint while it is rearward-facing on any vehicle seat equipped with an air bag.

For a rear-facing restraint designed to be used only while rearward facing and only for infants (referred to below as an "infant-only restraint"), the rule required the warning to state:

WARNING: PLACE THIS RESTRAINT IN A VEHICLE SEAT THAT DOES NOT HAVE AN AIR BAG.

For a convertible child restraint (i.e., one that is adjustable so that in one adjustment position, it can be placed on a seat and used rearward facing by an infant and in another position, it can be used forward facing by a toddler), the rule required the warning to state:

WARNING: WHEN YOUR BABY'S SIZE REQUIRES THAT THIS RESTRAINT BE USED SO THAT YOUR BABY FACES THE REAR OF THE VEHICLE, PLACE THE RESTRAINT IN A VEHICLE SEAT THAT DOES NOT HAVE AN AIR BAG.

The rule required the warning to be placed on a red, yellow or orange contrasting background so that it would be conspicuous to the user.

The purpose of the warning is to reduce the likelihood that an infant would be injured or possibly killed by a deploying air bag. The rule explained why a rear-facing restraint must not be installed on a seat equipped with an air bag:

When a rear-facing infant restraint is placed on a vehicle seat, the restraint's seat back projects forward, far in front of the

vehicle seat back. If the vehicle seating position is a front passenger one equipped with an air bag, the forward-projecting seat back of the infant restraint may rest on or be located close to the part of the vehicle instrument panel containing the air bag.

Placing a rear-facing restraint on such a vehicle seat raises a safety concern of the interaction between those restraints and air bags. An air bag must inflate quickly to create a protective cushion that protects occupants during frontal crashes. The quickly deploying air bag might injure an infant when it strikes the seat back of a rear-facing infant restraint.

59 FR at 7643.

#### **Petitions for Reconsideration**

NHTSA received timely petitions for reconsideration from Kolcraft Enterprises and Jerome Koziatek & Associates. Evenflo Juvenile Furniture Company, Century Products Company, and Ms. Kathy Weber of the University of Michigan Child Protection Program (UM–CPP) submitted petitions for reconsideration after the date such petitions were due. Under NHTSA's procedures for the adoption and amendment of rules, 49 CFR 553.35, these petitions were too late to be considered petitions for reconsideration and are considered instead petitions for rulemaking.

All the parties responding to the rule raised almost identical concerns in their petitions. None of them disagreed with the agency's conclusion in the rule that a safety need exists for the warning label, or objected to the rule's requirement to place a label on each affected child restraint. Instead, the petitioners expressed misgivings about particular aspects of the wording of the warning, particularly the warning for convertible child restraints.

The warning for convertible restraints was more elaborate than that for infant-only restraints, because convertible restraints are more complex in design than infant-only restraints. As noted above, a convertible restraint is used rearward-facing with an infant and forward-facing with a toddler or older child. An infant must be positioned rear-facing so that, in a crash, the forces are spread evenly across the infant's back and shoulders, the strongest part of an infant's body.

In issuing the final rule, NHTSA was concerned that consumers might respond to a warning not to use a convertible restraint rear-facing with an air bag by turning the convertible restraint forward so that the infant is forward-facing in an air bag equipped seating position, or by not using any child restraint at all. To reduce the likelihood of those responses, NHTSA adopted a suggestion made in a