

the exemptions from the requirement of a tolerance for residues of propionic acid in or on cottonseed, peanuts, rice grain, and soybeans would protect the public health, the Agency is establishing the exemptions as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal

mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 et seq.), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1023 is revised, to read as follows:

§ 180.1023 Propionic acid; exemptions from the requirement of a tolerance.

(a) Postharvest application of propionic acid or a mixture of methylene bispropionate and oxy(bismethylene) bispropionate when used as a fungicide is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities: Alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut hay, peavine hay, rye grass, sorghum grain, soybean hay, sudan grass, timothy, vetch, and wheat grain.

(b) Propionic acid is exempt from the requirement of a tolerance for residues in or on meat and meat byproducts of cattle, sheep, hogs, goats, horses, and poultry, milk, and eggs when applied as a bactericide/fungicide to livestock drinking water, poultry litter, and storage areas for silage and grain.

(c) Postharvest application of propionic acid when used as a fungicide

is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities: Cottonseed, peanuts, rice grain, and soybeans.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 93-305; FCC 94-343]

Implementation of a Vanity Call Sign System

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the amateur service rules to provide a system for the assignment of vanity call signs to amateur stations. The rule amendments are necessary so that personalized call signs are available in the amateur service. The rule amendments will satisfy the desires of those persons in the amateur community who want an opportunity to choose their own call signs.

EFFECTIVE DATE: March 24, 1995.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Wireless Telecommunications Bureau, Washington, D.C. 20554, (202) 418-0690.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted December 23, 1994, and released February 1, 1995. The complete text of this Commission action is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C., 20554. The complete text of this Report and Order may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, NW, Suite 140, Washington, D. C. 20037, telephone number (202) 857-3800.

Summary of Report and Order

1. The Commission's new license processing capabilities now make it practicable to grant requests for call signs of the licensee's choice. Hence, a vanity call sign system can be implemented. These new capabilities can also be used to resume the issuance of new club and military recreation station licenses.

2. A major concern of the amateur service community is that the system adopted for allocation of vanity call signs be fair and equitable. To ensure fairness, a filing priority schedule will be adhered to.

3. The schedule has a series of starting gates. Gate One would be for former holders or a close relative of a deceased holder. Gate Two would allow Amateur Extra Class operators to apply. Gate Three would allow Advanced Class operators to apply and Gate Four would open the system to any licensee. The final gate will also allow a club station license trustee to apply for the call sign of a deceased former holder. The license trustee must obtain a written consent from a close relative of the deceased. Applications for a vanity call sign will be made on Form 610-V. A fee of \$70.00 must be submitted along with the application form when requesting a new or renewed vanity call sign. Applicants will be able to list up to twenty-five call signs in the order of their preference on the Form 610-V. The sequential call sign system will continue to be available for new licensees and for those persons who do not want vanity call signs.

4. A call sign vacated by a licensee will not be available to the vanity call sign system for two years. This is consistent with the waiting period for assignability of a deceased person's station call sign or for assignability of a call sign associated with a station license that has expired.

5. The amended rules provide for the resumption of licensing of new club and military recreation station licenses. Once a new club or military recreation station license is obtained, the holder thereof may then apply for a vanity call sign, if desired.

6. This Report and Order is issued under the authority of 47 U.S.C. §§ 154(i) and 303(r).

List of Subjects in 47 CFR Part 97

Club stations, Military recreation stations, Radio, Vanity call signs.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Amended Rules

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as

amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

2. Section 97.3 is amended by redesignating paragraphs (a)(11) through (a)(45) as paragraphs (a)(12) through (a)(46) and adding new paragraph (a)(11) to read as follows:

§ 97.3 Definitions.

(a) * * *

(11) *Call sign system.* The method used to select a call sign for amateur station over-the-air identification purposes. The call sign systems are:

(i) *Sequential call sign system.* The call sign is selected by the FCC from an alphabetized list corresponding to the geographic region of the licensee's mailing address and operator class. The call sign is shown on the license. The FCC will issue public announcements detailing the procedures of the sequential call sign system.

(ii) *Vanity call sign system.* The call sign is selected by the FCC from a list of call signs requested by the licensee. The call sign is shown on the license. The FCC will issue public announcements detailing the procedures of the vanity call sign system.

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3. Section 97.17 is amended by revising paragraph (f) and adding paragraph (h) to read as follows:

§ 97.17 Application for new license or reciprocal permit for alien amateur licensee.

* * * * *

(f) One unique call sign will be shown on the license of each new primary, club, and military recreation station. The call sign will be selected by the sequential call sign system.

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(h) Each application for a new club or military recreation station license must be submitted to the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. No new license for a RACES station will be issued.

4. Section 97.19 is added to read as follows:

§ 97.19 Application for a vanity call sign.

(a) A person who has been granted an operator/primary station license or a license trustee who has been granted a club station license is eligible to make application for modification of the license, or the renewal thereof, to show a call sign selected by the vanity call sign system. RACES and military recreation stations are not eligible for a vanity call sign.

(b) Each application for a modification of an operator/primary or club station license, or the renewal thereof, to show a call sign selected by

the vanity call sign system must be made on FCC Form 610-V. The form must be submitted with the proper fee to the address specified in the Private Radio Services Fee Filing Guide.

(c) Only unassigned call signs that are available to the sequential call sign system are available to the vanity call sign system with the following exceptions:

(1) A call sign shown on an expired license is not available to the vanity call sign system for 2 years following the expiration of the license.

(2) A call sign shown on a surrendered, revoked, set aside, cancelled, or voided license is not available to the vanity call sign system for 2 years following the date such action is taken.

(3) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with the written consent of at least one relative, as listed above, of a person now deceased, the call sign shown on the license of a person now deceased is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license, whichever is sooner.

(d) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with the written consent of at least one relative, as listed above, of a person now deceased who had been granted the license showing the call sign requested, the vanity call sign requested by an applicant must be selected from the groups of call signs designated under the sequential call sign system for the class of operator license held by the applicant or for a lower class.

(1) The applicant must request that the call sign shown on the current license be vacated and provide a list of up to 25 call signs in order of preference.

(2) The first assignable call sign from the applicant's list will be shown on the license grant. When none of those call signs are assignable, the call sign vacated by the applicant will be shown on the license grant.

(3) Vanity call signs will be selected from those call signs assignable at the time the application is processed by the FCC.

5. Section 97.21(a)(3) is revised to read as follows:

§ 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 application.

(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