

Dated: January 25, 1995.

Steven A. Herman,

Assistant Administrator for Enforcement and Compliance Assurance.

[FR Doc. 95-2158 Filed 1-26-95; 8:45 am]

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40 CFR Part 52

[MT23-1-6402b; FRL-5128-2]

Approval and Promulgation of Air Quality Implementation Plans; Montana; State Implementation Plan for East Helena SO₂ Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to fully approve the State implementation plan (SIP) submitted by the State of Montana to achieve attainment of the primary National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂). The SIP was submitted by Montana to satisfy certain federal requirements for an approvable nonattainment area SO₂ SIP for East Helena. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by February 27, 1995.

ADDRESSES: Written comments should be addressed to Meredith A. Bond at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: U.S. Environmental Protection Agency, Region VIII, Air Programs Branch (8ART-AP), 999 18th Street, Suite 500, Denver, Colorado 80202-2405; and Montana Department of Health and Environmental Sciences, Air Quality Bureau, 836 Front Street, P.O. Box 200901, Helena, Montana 59620-0901.

FOR FURTHER INFORMATION CONTACT: Meredith Bond at (303)293-1764.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final notice which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental Protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 14, 1994.

William P. Yellowtail,

Regional Administrator.

[FR Doc. 95-2018 Filed 1-26-95; 8:45 am]

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40 CFR Part 52

[IL105-1-6841b; FRL-5139-6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Illinois on October 25, 1994, for the purpose of requiring the installation of pressure/vacuum (P/V) relief valves on storage tank vent pipes at certain gasoline dispensing operations in the Chicago and Metro-East St. Louis (Metro-East) ozone nonattainment areas. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before February 27, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco Acevedo, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6061.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: December 29, 1994.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95-2016 Filed 1-26-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Occupant Crash Protection; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document announces the denial of a petition for rulemaking submitted by the Institute for Injury Reduction (IIR). The petitioner requested "rulemaking or other action" to require manufacturers to provide a specific warning for occupants to use lap belts in new vehicles with automatic safety belts. However, under a new statutory requirement, automatic safety belts are rapidly being replaced by the combination of air bags and manual lap/shoulder belts. Hence, the agency expects any safety concerns with automatic safety belts to become moot. Therefore, the petition is denied.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cohen, Chief, Office of Vehicle Safety Standards, National Highway

Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2264.

SUPPLEMENTARY INFORMATION: NHTSA received a petition for rulemaking from the Institute for Injury Reduction (IIR). The petitioner requested "appropriate rulemaking or other action leading to the issuance * * * of a lap-belt-use warning requirement covering new vehicles sold in the United States and equipped with 'automatic' shoulder belts in any position."

IIR argued that an automatic shoulder/manual lap belt restraint system often provides less protection in a crash than a fully manual shoulder/lap belt restraint system. According to the petitioner, "a significant hazard of the former system is the overall propensity for ejection due to the non-use of the lap belt in conjunction with the automatic shoulder belt." The petitioner requested that NHTSA require a warning that an automatic shoulder belt is not to be used without a lap belt, and that the agency "develop appropriate minimum performance standards specifying warning language and location, or criteria."

NHTSA notes that it previously responded to a petition for rulemaking related to the subject of non-use of manual lap belts in conjunction with automatic shoulder belts. On September 9, 1993, NHTSA published (58 FR 47427) a notice denying a petition requesting that a warning light be required to indicate when lap belts in vehicles with automatic safety belts are not fastened. That petition had been submitted by Mr. Mark Goodson.

Like IIR, Mr. Goodson was concerned that if the person using an automatic safety belt does not engage the lap belt, the benefits of a three point restraint are reduced, and the person risks personal injury should a collision occur. Mr. Goodson recommended the addition of a warning light to remind users to engage the lap belt.

In denying Mr. Goodson's petition, NHTSA cited the fact that automatic belts are rapidly being replaced by the combination of air bags and manual lap/shoulder belts. Under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), all passenger cars and light trucks must provide automatic

crash protection by means of air bags, beginning in the late 1990's.

More specifically, as explained in NHTSA's final rule implementing that part of ISTEA, at least 95 percent of each manufacturer's passenger cars manufactured on or after September 1, 1996 and before September 1, 1997 must be equipped with an air bag and a manual lap/shoulder belt at both the driver's and right front passenger's seating position. Every passenger car manufactured on or after September 1, 1997 must be so equipped. The same requirement for light trucks is being phased in beginning on September 1, 1997. See 58 FR 46551, September 2, 1993.

Prior to the enactment of ISTEA, manufacturers had been permitted under Standard No. 208, Occupant Crash Protection, to provide automatic crash protection by means of air bags or automatic belts. The automatic crash protection requirements for cars have been in effect since the late 1980's; the requirements began to be phased in for light trucks on September 1, 1994.

Manufacturers are in fact moving more quickly toward providing air bags than required by ISTEA. Ninety-nine percent of model year 1995 passenger cars are equipped with driver-side air bags, and about 87 percent are also equipped with passenger-side air bags. Moreover, in meeting the automatic crash protection phase-in requirements for light trucks, manufacturers are going directly to air bags rather than taking the interim step of installing automatic belts.

In the notice denying Mr. Goodson's petition, NHTSA stated that it expects any safety concerns with two-point automatic belts to become moot as automatic belts are replaced by air bags with manual lap/shoulder belts. The agency indicated that, given the limited time until automatic belts are replaced by air bags, it believes that any problems can be addressed by public education efforts. NHTSA noted that on October 5, 1992, it issued a news release stating that "drivers and passengers of cars equipped with front-seat automatic shoulder belts should also use the manual lap belt for maximum protection." The agency stated that it would continue to periodically remind

consumers of the need to wear the manual lap belt which accompanies some forms of automatic belts.

NHTSA believes that the same rationale for denying Mr. Goodson's petition also applies to the IIR petition. In fact, the time until automatic belts are replaced by air bags is even more limited. By the time the agency completed any rulemaking to require a specific warning, it is unlikely that any vehicles would be subject to the requirement. Therefore, such a rulemaking would not result in any safety benefits. Accordingly, the agency finds that there is not a reasonable possibility that the requested rule would be issued at the conclusion of a rulemaking proceeding.

The agency continues to believe that any problems in this area can be addressed by public education efforts. This is true for both the small number of new vehicles that will be produced with two-point automatic belts and for the existing vehicles incorporating this design. NHTSA notes that its consumer information pamphlet entitled "Safety Belts Proper Use" includes the following statement:

In some vehicles, the shoulder belt comes across your chest automatically, but the lap belt must be buckled manually. *If your vehicle has a manual lap belt, it must be buckled for maximum protection. Use the complete system the manufacturer installed in your vehicle and follow the instructions provided in the owner's manual.*

NHTSA shares IIR's concern about the need for occupants to fully utilize the crash protection equipment provided by manufacturers, whether the manual lap belt provided with some automatic belts or the manual lap/shoulder belts being provided with air bags. The agency will continue its public education efforts in these areas.

For the reasons discussed above, the agency is denying the IIR petition.

Authority: 49 U.S.C. 30103 and 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 23, 1995.

Barry Felrice,

Associate Administrator for Rulemaking.

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