(42 U.S.C. 6912, 6921–7, 6930, and 6973–4).

II. Today's Action

In response to Section 107 of the Federal Facility Compliance Act (FFCA) of l992 which added a new subsection 3004(y) to the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. section 6924(y)), EPA proposed a rule (60 FR 56468, November 8, 1995) that identifies when conventional and chemical military munitions become a hazardous waste under RCRA, and that provides for the safe storage and transport of such waste. The proposal would also amend existing regulations regarding emergency responses involving military munitions and other explosives, by non-military or private personnel, as well as by the military. The proposal would also revise the definition of ''on-site,'' which applies to all generators of hazardous waste. Because of the partial shutdown of the Federal government, EPA is today extending the end of the public comment period from January 8 to February 2, 1996.

Dated: January 18, 1996.

Elaine Cotsworth,

*Acting Director, Office of Solid Waste.*

[FR Doc. 96–1711 Filed 1–29–96; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

## Federal Motor Vehicle Safety Standards

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

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies a petition for rulemaking submitted by Herzlich Consulting, Inc. Herzlich asked that the tire standards be amended to require that tires be designed to provide a visual indication when the tread depth reaches 3⁄32 inch. Herzlich also asked that the agency define legal tire wear out as having 3⁄32 inch tread depth with no bald areas. The petitioner asserted that this change would improve wet traction, improve antilock brake system (ABS) performance, result in fewer landfill scrap tires, provide a better supply of undamaged tire casings for retreading, and improve tire safety enforcement.

NHTSA has decided to deny the Herzlich petition. The agency believes that there is no safety need to remove tires at 3⁄32 inch, that more rather than fewer scrap tires would be generated if tires were removed sooner, that passenger car tires are not retreaded in sufficient numbers to compensate for the greater number of scrap tire casings that would result from earlier tire removal, and that enforcement efforts would not be greatly enhanced if tires were removed when tread depth reaches 3⁄32 inches instead of when it reaches 2⁄32 inches.

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Robert M. Clarke, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5307, Washington, DC 20590; telephone (202) 366–5278, facsimile (202) 366–4329.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5219, Washington, DC 20590; telephone (202) 366–2992, facsimile (202) 366–3820.

Background Information

*Current Regulatory Requirements*

Federal motor vehicle safety standards (Standards) 109, *New pneumatic tires* (49 CFR 571.109), and 119, *New pneumatic tires for motor vehicles other than passenger cars* (49 CFR 571.119) both require treadwear indicators that provide visual indication when the tire has been worn to a tread depth of 1⁄16 inch. For motorcycle tires, Standard No. 119 requires tread depth indicators at 1⁄32 inch.

Specifically, paragraph S4.2(d), Standard No. 109 provides that:

> If manufactured on or after August 1, 1968, [each tire] shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of 1⁄16 inch.

With respect to new pneumatic tires for motor vehicles other than passenger cars, paragraph S6.4 of Standard No. 119 provides that:

> Except as specified below, each tire shall have at least six treadwear indicators spaced approximately equally around the circumference of the tire that enable a person inspecting the tire to determine visually whether the tire has worn to a tread depth of one sixteenth of an inch. Tires with 12-inch or smaller rim diameter shall have at least three such treadwear indicators. Motorcycle tires shall have at least three such indicators which permit visual determination that the tire has worn to a tread depth of one-thirty-second of an inch.

No Federal motor vehicle safety standard requires that tires be removed from a vehicle at those or any other tread depths. However, § 570.9(a) of part 570, *Vehicle in use inspection standards,* specifies that tread depth of any tire on a vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or less shall be not less than 2⁄32 inches. For vehicles with a higher GVWR, § 570.62(a) specifies a tread depth of not less than 4⁄32 inches for front tires and not less than 2⁄32 inches for all other tires. However, the agency has specified tread depth limits for tires on vehicles-in-use in its vehicle-in-use standards. Pursuant to a statutory mandate, the agency issued those standards for implementation by the States as part of their highway safety programs under 23 U.S.C. 402.

*The Petition*

Pursuant to 49 CFR part 552, Herzlich Consulting, Inc., of Las Vegas, NV (Herzlich) petitioned NHTSA to amend the tire standards to require that tires be designed to provide a visual indication when the tread depth reaches 3⁄32 inch. Herzlich also asked that the agency define legal tire wearout as having 3⁄32 inch tread depth with no bald areas.

Herzlich stated that it is a ''rule of thumb'' that approximately 80 percent of tire road hazard failures occur in the final 20 percent of tread life. He asserted that tire technology must now address new needs that include tire interaction with ABS, decreased rolling resistance and improved retreading. He stated that when a tread reaches a depth of 2⁄32 inch, it will not have sufficient tread remaining to meet wet skid resistance requirements. He further stated that when a tire reaches a tread depth of 2⁄32 inch, there are already areas that are below that depth and some spots are even bald. In addition, petitioner stated that the suggested amendments would provide better tire safety enforcement, provide the retread industry a better supply of casings, and reduce environmental concerns about so many scrap tires in landfills. Finally, petitioner stated that because individual tire manufacturers cannot themselves make such changes if they want to remain competitive, NHTSA should, and has a unique opportunity to, mandate such changes.

*Agency Decision*

The 2⁄32 inch figure specified in Standards 109 and 199 for the tires for most types of vehicles is based on early studies that showed that tire treads essentially lose their traction capabilities at about 1⁄16 inch. In a report entitled *Skidding Accidents on Runways and Highways Can Be Reduced*, prepared by W. B. Horne of

the National Aeronautics and Space Administration's Langley Research Center for publication in the August, 1967 issue of the Journal of Astronautics and Aeronautics, the author stated:

Research indicates that grooved or treaded tires behave like bald or smooth tires when the groove depth is decreased by wear to about 1/16 inch of tread remaining.

The same conclusion was reached in a study entitled *Vehicle-in-Use Limit Performance and Tire Factors—The Tire In Use*, prepared in March, 1975 for NHTSA by Paul S. Fancher and James E. Bernard, report no. DOT HS–801 438. The report stated in pertinent part:

Our recommendation, based on the results of this investigation * * *, is that tires should be replaced when they reach a groove depth of 2/32 of an inch.

Those studies, among others, confirmed a long-standing practice in the tire industry that tires should be replaced when the tread reached a depth of 1/16 inch (the ''rule of thumb'' was to place a penny in the tire groove and if you could see the top of Lincoln's head, it was time to replace or retread the tire). NHTSA adopted the industry practice in specifying the treadwear indicator height in Standard Nos. 109 and 119 at 1/16 inch.

Herzlich cited his own forensic experience in asserting that a tread depth of 2/32 inch is inadequate to maintain effective wet skid resistance. However, he cited no pertinent data in support of his forensic experience. Further, NHTSA is unaware of any data that would suggest that a tread depth of 2/32 inch is unsafe or that treadwear indicators should be raised.

The petitioner asserted that tire technology must now service new tire needs such as ABS, but did not explain the implications of ABS technology and performance for tire technology and tire tread depths. NHTSA has issued extensive rulemaking in recent years on ABS technology (see e.g., final rule on heavy truck ABS, 60 FR 13216, March 10, 1995). Theoretically, by preventing wheel lockup, ABS should be able to prevent tires from ''flat spotting'' or developing bald areas, thereby increasing tire life. Further, based on its experience with ABS, NHTSA does not believe that increasing the height of the treadwear indicators would measurably improve any function associated with ABS.

Petitioner also stated that tire technology must help provide decreased rolling resistance. Again, petitioner did not elaborate on this, nor provide any data to suggest that raising the treadwear indicators would have any effect on rolling resistance. NHTSA knows of no such correlation. Thus, although NHTSA agrees that tire technology must be responsive to new needs, the agency does not see how raising the treadwear indicators would contribute to the reduction of rolling resistance.

Petitioner alluded to the potential for improved recycling because there would be fewer landfill junk tires and by providing retreaders a better supply of usable casings. The January 1995 issue of *Modern Tire Dealer* magazine stated that approximately 228,200,000 passenger car tires are shipped nationwide per year, while only 5,850,000 retreaded passenger car tires are shipped. Thus, if tire life were shortened by removing tires from vehicles before reaching a tread depth of 2/32 inch, there should logically be more rather than fewer tires in landfills. NHTSA does not know of any data suggesting that tire casings are sounder for retreading purposes with 3/32 inch tread remaining than those with 2/32 inch tread remaining, or that more tires would be retreaded if more tread remained on the casing prior to retreading. Even assuming that there might be a small increase in the number of tires retreaded if tires had more tread remaining when they were retired, the agency has no data, and the petitioner provided none, on how many additional tires could be expected to be retreaded compared to the additional number of tires that would be removed and discarded upon reaching a tread depth of 3/32 inch.

In summary, NHTSA knows of no data suggesting either a safety or an environmental need to raise the treadwear indicators to 3/32 inch, and the petitioner has presented none. Neither has the petitioner submitted any data to support his assertions that a tread depth of 3/32 inch would improve ABS wet skid interaction, provide retreaders a better supply of undamaged tire casings, result in fewer scrap tires in landfills, or that tire safety enforcement would be improved. There is no reasonable probability that the requested amendments would be issued at the end of a rulemaking proceeding. Accordingly, the petition of Herzlich Consulting, Inc. is denied.

Authority: 49 U.S.C. 322, 30111, and 30162; delegation of authority at 49 CFR 1.50.

Issued on January 24, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96–1654 Filed 1–29–96; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 301

**[Docket No. 960111003–6008–02; I.D. 122095C]**

**RIN 0648–AI48**

## Pacific Halibut Fisheries; Catch Sharing Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed catch sharing plan; request for comment.

**SUMMARY:** NMFS proposes to approve and implement a catch sharing plan (CSP) in accordance with the Northern Pacific Halibut Act of 1982 (Halibut Act). The CSP would apportion the catch limit specified by the International Pacific Halibut Commission (IPHC) for Regulatory Area 4 among subareas 4A, 4B, 4C, 4D, and 4E in and off the State of Alaska. The proposed CSP is based on the recommendations of the North Pacific Fishery Management Council (Council). This action is necessary to provide a basis for allocating the Pacific halibut resources of the Bering Sea and Aleutian Islands area among U.S. fishers who harvest these resources in accordance with the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program. The action is intended to carry out the fishery management objectives of the Council under the provisions of the Halibut Act and is consistent with the resource management objectives of the IPHC.

**DATES:** Comments on the CSP must be received before the close of business on February 1, 1996.

**ADDRESSES:** Send comments to Ronald J. Berg, Chief, Fishery Management Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attention: Lori Gravel. A copy of the Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (IRFA) may be obtained from the North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

**FOR FURTHER INFORMATION CONTACT:** Jay J. C. Ginter, 907–586–7228.

**SUPPLEMENTARY INFORMATION:**

### Background

The Secretary of Commerce (Secretary) is responsible for implementing the Halibut Convention