

alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action promulgated today does not include a federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

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

Dated: December 18, 1996.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96-1712 Filed 1-29-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 81

[Region II Docket No.147; NJ24-1-7249b, FRL-5404-9]

Air Quality Designations: Deletion of TSP Designations From New Jersey, New York, Puerto Rico and Virgin Islands

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to delete from the State-by-State lists contained in 40 CFR part 81 the attainment status designations, including designations of attainment, unclassifiable and nonattainment, affected by the original national ambient air quality standards (NAAQS) for particulate matter measured as total suspended particulate (TSP). In accordance with section 107(d)(3)(B) of the Clean Air Act, the Administrator has determined that the selected area designations for TSP are no longer necessary for implementing the requirements for prevention of significant deterioration (PSD) of air quality for particulate matter since EPA has adopted equivalent PSD increments for particulate matter with an

aerodynamic diameter less than 10 microns (PM₁₀), which became effective on June 3, 1994. In the Final Rules Section of this Federal Register, the EPA is deleting the TSP area designations for New Jersey, New York, Puerto Rico, and Virgin Islands, as identified therein, 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 this action 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 the 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.

The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before February 29, 1996.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866

Copies of the documents relevant to this action are available for inspection during normal business hours at the following address:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 20th Floor, New York, New York 10007-1866

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 20th Floor, New York, New York 10278, (212) 637-4249.

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

Dated: December 18, 1996.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96-1587 Filed 1-29-96; 8:45 am]

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40 CFR Parts 260 through 265, and 270

[FRL-5468-8]

Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Redefinition of On-Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Public Comment Period for Proposed Rule.

SUMMARY: EPA is today extending the public comment period on its proposed military munitions rule (60 FR 56468, November 8, 1995) to February 2, 1996.

DATES: Written comments on these proposed rules will be accepted until 4 pm, February 2, 1996.

ADDRESSES: Written comments [one original and two copies] should be addressed to: EPA RCRA Docket #F-95-MMP-FFFFF, Mail Code 5305W, 401 M Street SW, Washington, DC 20460. Comments also may be submitted electronically by sending electronic mail (e-mail) through the Internet system to: RCRA-Docket@epamail.epa.gov. All electronic comments must be submitted as an ascii file avoiding the use of special characters and any form of encryption. The comments should be identified with the above docket number.

The official action for this record will be kept in paper form. Accordingly, EPA will convert all documents received electronically into printed paper form as they are received and will place the paper copies in the official record, which will also include all comments submitted directly in writing. The official record is the paper record kept in the RCRA Docket. (Comments submitted on paper will not be transferred to electronic format. These comments may be viewed only in the RCRA Docket as described here.)

Public comments and the supporting information used for this rule are available for public inspection and copying in the RCRA Information Center (RIC) located in Crystal Gateway, First Floor, 1235 Jefferson Davis Highway, Arlington, Virginia. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling 703-603-9230.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline between 9 am - 6 pm EST, toll-free, at 800-424-9346; 703-412-9810 from Government phones or if in the Wash, DC local calling area; or 800-553-7672 for the hearing impaired; or Ken Shuster, U.S. EPA (5303W), Washington, DC 20460, 703-308-8759.

SUPPLEMENTARY INFORMATION:

I. Legal Authority

These regulations are proposed under authority of sections 2002, 3001-3007 (including 3004(y)), 3010, 7003, and 7004 of the Solid Waste Disposal Act of 1965, as amended, including amendments by RCRA and the FFCA

(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 1992 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 $\frac{3}{32}$ inch. Herzlich also asked that the agency define legal tire wear out as having $\frac{3}{32}$ 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 $\frac{3}{32}$ 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 $\frac{3}{32}$ inches instead of when it reaches $\frac{2}{32}$ 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 $\frac{1}{16}$ inch. For motorcycle tires, Standard No. 119 requires tread depth indicators at $\frac{1}{32}$ 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 $\frac{1}{16}$ 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 $\frac{2}{32}$ inches. For vehicles with a higher GVWR, § 570.62(a) specifies a tread depth of not less than $\frac{4}{32}$ inches for front tires and not less than $\frac{2}{32}$ 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 $\frac{3}{32}$ inch. Herzlich also asked that the agency define legal tire wearout as having $\frac{3}{32}$ 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 $\frac{2}{32}$ 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 $\frac{2}{32}$ 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 $\frac{2}{32}$ 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 $\frac{1}{16}$ inch. In a report entitled *Skidding Accidents on Runways and Highways Can Be Reduced*, prepared by W. B. Horne of