

**List of Subjects in 16 CFR Part 1203**

Consumer protection, Bicycles, Incorporation by reference, Infants and children, Safety.

For the reasons given above, the Commission adds a new part 1203 of Title 16 of the Code of Federal Regulations, to read as follows:

**PART 1203—SAFETY STANDARD FOR BICYCLE HELMETS**

Sec.

- 1203.1 Purpose and basis.  
1203.2 Scope and effective date.  
1203.3 Interim safety standards.

**Authority:** Secs. 201–207, Pub. L. 103–267, 108 Stat. 726–729, 15 U.S.C. 6001–6006.

**§ 1203.1 Purpose and basis.**

The purpose and basis of this rule is to protect bicyclists from head injuries by ensuring that bicycle helmets comply with the requirements of appropriate existing voluntary standards, as provided in 15 U.S.C. 6004(a).

**§ 1203.2 Scope and effective date.**

(a) Bicycle helmets manufactured after March 15, 1995, shall comply with the requirements of one of the standards specified in § 1203.3. This requirement shall be considered a consumer product safety standard issued under the Consumer Product Safety Act.

(b) A bicycle helmet is any headgear marketed as suitable for providing protection from head injuries associated with bicycle use.

(c) These interim mandatory safety standards will not apply to bicycle helmets manufactured after the effective date of a final bicycle helmet standard to be issued in the future by the Commission.

**§ 1203.3 Interim safety standards.**

(a) Bicycle helmets must comply with one or more of the following standards, which are incorporated herein by reference:

(1) American National Standards Institute (ANSI) standard Z90.4–1984, Protective Headgear for Bicyclists,

(2) ASTM standards F 1447–93 or F 1447–94, Standard Specification for Protective Headgear Used in Bicycling, incorporating the relevant provisions of ASTM F 1446–93 or ASTM F 1446–94, Standard Test Methods for Equipment and Procedures Used in Evaluating the Performance Characteristics of Protective Headgear, respectively,

(3) Canadian Standards Association standard, Cycling Helmets CAN/CSA–D113.2–M89,

(4) Snell Memorial Foundation (Snell) 1990 Standard for Protective Headgear for Use in Bicycling (designation B–90),

(5) Snell 1990 Standard for Protective Headgear for Use in Bicycling, including March 9, 1994 Supplement (designation B–90S),

(6) Snell 1994 Standard for Protective Headgear for Use in Non-Motorized Sports (designation N–94), or

(7) Snell 1995 Standard for Protective Headgear for Use with Bicycles B–95.

(b) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the standards may be obtained as follows. Copies of the ANSI Z90.4 standard are available from: American National Standards Institute, 11 W. 42nd Street, 13th Floor, New York, NY 10036. Copies of the ASTM standards are available from: ASTM, 1916 Race Street, Philadelphia, PA 19103. Copies of the Canadian Standards Association CAN/CSA–D113.2–M89 standard are available from: CSA, 178 Rexdale Boulevard, Rexdale (Toronto), Ontario, Canada, M9W 1R3. Copies of the Snell standards are available from: Snell Memorial Foundation, Inc., P.O. Box 493, 7 Flowerfield, Suite 28, St. James, New York 11780. Copies may be inspected at the Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814, or at the Office of the Federal Register, 800 N. Capitol Street NW, Room 700, Washington, DC.

Dated: March 16, 1995.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 95–7082 Filed 3–22–95; 8:45 am]

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**DEPARTMENT OF LABOR****Wage and Hour Division****29 CFR Part 500****Migrant and Seasonal Agricultural Worker Protection Regulations***CFR Correction*

In title 29 of the Code of Federal Regulations, parts 500 to 899, revised as of July 1, 1994, § 500.268 appearing on page 50 should be removed and the following § 500.268 inserted:

**§ 500.268 Final decision of the Secretary.**

(a) The Secretary's final Decision and Order shall be issued within 120 days from the notice of intent granting the petition, and served upon all parties and the Chief Administrative Law Judge, in person or by certified mail.

(b) Upon receipt of an Order of the Secretary modifying or vacating the

Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall substitute such Order for the Decision and Order of the Administrative Law Judge.

BILLING CODE 1505-01-D

**DEPARTMENT OF DEFENSE****Department of the Army****Corps of Engineers****33 CFR Part 334****Danger Zone and Restricted Area Regulations**

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Army Corps of Engineers is amending the regulations in 33 CFR Part 334 to add a clause that alerts mariners that potential navigation and charting errors may occur in the boundaries of some danger zones and restricted areas as a result of the updating and replacement of the North American Datum of 1927 with the North American Datum of 1983. The promulgation of these regulations will notify mariners that geographic coordinates establishing danger zone and restricted area boundaries, promulgated in 33 CFR Part 334 are not to be used for plotting on maps and charts where NAD 83 is referenced unless the geographic coordinates in the regulations are expressly labeled "NAD 83". Geographic coordinates without the NAD 83 reference may be plotted on charts or maps which are referenced to NAD 83 only after applying the correct formula that is published on the map or chart being used.

**EFFECTIVE DATE:** April 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard at (202) 272–1783.

**SUPPLEMENTARY INFORMATION:** A datum is a reference point, line or surface used as a reference in surveying and mapping. Through the use of satellites and other modern surveying techniques, it is now possible to establish global reference systems. The North American Datum of 1983 (NAD 83), a new adjustment of the U.S. network of horizontal control, has been adopted as a standard reference datum by the United States and Canada. In March 1988, the National Ocean Service, National Oceanic and Atmospheric Administration, commenced publishing charts in NAD 83. The parameters of the Ellipsoid of reference used with NAD 83 are very close to those used for the

World Geodetic System of 1984 (WGS 84). The ellipsoid used for NAD 83, Geodetic Reference System 1980 (GRS 80), is earth-centered or geocentric as opposed to the nongeocentric ellipsoids previously employed. This means that the center of the ellipsoid coincides with the center of the mass of the earth. Any inquiries and requests for further information regarding NAD 83 and National Ocean Service nautical charts should be addressed to: Director, Coast Survey (NCG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, Maryland 20910-3282.

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is amending the regulations in 33 CFR 334 by inserting the following clause that alerts mariners to the potential for navigation and charting errors in consequence of the NAD 83.

“Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used”. On January 24 1995, the Corps published this change in the Notice of Proposed Rulemaking section of the **Federal Register** (60 FR 4582-4583) with the comment period ending on February 23, 1995. We received no comments.

#### Notes

1. The U.S. Army Corps of Engineers has determined that this rule is not a major rule within the meaning of Executive Order 12866 and is in accordance with the exemption provided military functions.

2. This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities, i.e., small businesses, small government jurisdictions. We do not believe that the establishment of these rules will have any negative impacts on small entities because the procedures codified here will only serve to eliminate errors and confusion about the applicability of the 1983 North American Datum. Finally,

no reporting or record-keeping requirements are imposed on any small entity as the result of this amendment to the danger zone/restricted area regulations. Therefore, we have determined that this rule will not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis is not warranted.

#### List of Subjects in 33 CFR Part 334

Navigation, Waterways, Transportation.

Accordingly, we are amending Part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

**Authority:** (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

2. Section 334.6 *Datum* is added as follows:

##### § 334.6 Datum.

(a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, MD 20910-3282.

Dated: March 15, 1995.

**Stanley G. Genega,**

*Major General, U.S. Army, Director of Civil Works.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[IL115-1-6791a; FRL-5166-1]

#### Approval and Promulgation of Implementation Plans; Revision to the Illinois State Implementation Plan for Ozone

**AGENCY:** Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** The USEPA approves the State Implementation Plan (SIP) revision request submitted by the State of Illinois on October 25, 1994, for the purpose of lowering the Reid Vapor Pressure (RVP) of gasoline from 9.0 pounds per square inch (psi) to 7.2 psi for the Metro-East St. Louis (Metro-East) ozone nonattainment area which includes Madison, Monroe, and St. Clair Counties. The rationale for the approval is set forth in this direct final rule; additional information is available at the address indicated below. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this direct final rule, USEPA will withdraw this direct final rule and address the comments received in a subsequent final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn no further rulemaking will occur on this requested SIP revision.

**DATES:** This final rule is effective on May 22, 1995, unless notice is received by April 24, 1995, that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), Regulation Development Branch, Air and Radiation Division, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the USEPA's technical analysis (TSD) are available for inspection at the following address: (It is recommended that you telephone Francisco Acevedo at (312) 886-6061 before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77