unless, by July 1, 1996 adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a 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. If no such comments are received, the public is advised that this action will be effective July 29, 1996.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 29, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* Section 307(b)(2), 42 U.S.C. 7607(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Note: Incorporation by reference of the Implementation Plan for the State of Idaho was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: March 20, 1996.

Chuck Clarke,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart N—Idaho

2. Section 52.670 is amended by adding paragraph (c)(31) to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(31) On November 14, 1991, and on December 30, 1994, the Idaho Department of Health and Welfare (IDHW) submitted revisions to the Idaho State Implementation Plan (SIP) for the Northern Ada County/Boise Particulate (PM_{10}) Air Quality Improvement Plan.

(i) Incorporation by reference.

(A) November 14, 1991, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator submitting a revision to the Idaho SIP for the Northern Ada County/Boise Particulate Air Quality Improvement Plan; The Northern Ada County Boise Particulate (PM_{10}) Air Quality Improvement Plan adopted on November 14, 1991.

(B) December 30, 1994, letter from the IDHW Administrator to the EPA Region 10 Regional Administrator including a revision to the Idaho SIP for the Northern Ada County/Boise PM_{10} Air Quality Improvement Plan; Appendix C–1, Supplemental Control Strategy Documentation, Northern Ada County/Boise PM_{10} Air Quality Improvement Plan, adopted December 30, 1994, with the following attachments: Garden City Ordinances #514 (May 14, 1987), #533 (January 10, 1989) and #624 (September 13, 1994); Meridian Ordinance #667 (August 16, 1994); Eagle Ordinance #245 (April 26, 1994); Ada County Ordinance #254 (November 3, 1992); and Table Ordinance-1 (December 30, 1994).

[FR Doc. 96–12888 Filed 5–29–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–84; Notice 02]

RIN 2127–AF70

Federal Motor Vehicle Safety Standards; Head Restraints

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule clarifies the test procedures in Standard No. 202, ''Head Restraints,'' by replacing the phrase ''rearmost portion of the head form'' with a reference to the portion of the head form in contact with the head restraint. The proposal on which this rule is based contained two other proposed amendments to the standard; this document terminates rulemaking on those proposals.

DATES: Effective Date: The amendments made in this rule are effective July 15, 1996.

PETITION DATES: Any petitions for reconsideration must be received by NHTSA no later than July 15, 1996.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Clarke Harper, Frontal Crash Protection Division, Office of Vehicle Safety Standards, NPS–12, telephone (202) 366–4916, fax (202) 366–4329, electronic mail ''charper@nhtsa.dot.gov''.

For legal issues: Steve Wood, Office of the Chief Counsel, NCC–20, telephone (202) 366–2992, facsimile (202) 366–3820, electronic mail ''swood@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION: Pursuant to the March 4, 1994 directive, ''Regulatory Reinvention Initiative,'' from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for amendment or rescission. Some of these provisions were found in Federal Motor Vehicle Safety Standard No. 202, ''Head Restraints.''

On October 24, 1995, NHTSA published a notice of proposed rulemaking (NPRM), proposing to delete one of two alternative performance requirements for head restraints. The NPRM also proposed to clarify the test procedures by replacing the phrase ''rearmost portion of the head form'' with a reference to the portion of the head form in contact with the head restraint. Last, the NPRM proposed to specify that head restraints on bench-type seats are loaded simultaneously during compliance testing.

The agency received eight comments in response to this NPRM. As explained below, after reviewing these comments the agency has decided to amend Standard No. 202 to replace the phrase ''rearmost portion of the head form'' with a reference to the portion of the head form in contact with the head restraint. However, the agency is terminating rulemaking on the other proposed amendments.

Dynamic Test Requirement

Standard No. 202 allows manufacturers a choice of two performance requirements which provide equivalent levels of safety. One alternative, found in S4.3(b) and S5.2, requires the head restraint to have minimum dimensions and to not displace more than 4 inches when a 3,300 inch pound moment is applied to the head restraint. The other alternative, found in S4.3(a) and S5.1, limits rearward angular displacement of the dummy head to less than 45 degrees during a forward acceleration of at least 8g applied to the seat supporting structure. The second alternative involves a testing procedure that is more cumbersome than the first alternative and subsequently has rarely, if ever, been used. Because this alternative has rarely been used, NHTSA proposed to remove this alternative to simplify the regulatory language of the standard.

AAMA and Volkswagen supported this proposal; however, other commenters did not agree. Some commenters stated that Standard No. 202 should be amended by strengthening the dynamic test rather than removing it. Other commenters stated that manufacturers should be allowed this alternate test, and that the dynamic test more closely depicted the real world.

Atwood Mobile Products and the Recreation Vehicle Industry Association stated that removal of the dynamic test could stifle future technological innovation in the area of deployable crash protections systems for head restraints. The Insurance Institute for Highway Safety agreed, stating that development of such systems would be impeded by a standard that only specifies geometric requirements.

Based on these comments, NHTSA has decided to terminate rulemaking on the proposal to rescind the dynamic test alternative in Standard No. 202. NHTSA is concerned that removal of this alternative could stifle technological improvements in this area. In addition, it was not the intention of the proposal to restrict the choice of options available to manufacturers.

''Rearmost Portion of the Head Form''

Paragraph S4.3(b)(3) of Standard No. 202 states that a head restraint installed under option (b) of the standard must limit the rearward displacement of ''the rearmost portion'' of the head form used to apply a test load to the restraint. During agency compliance testing, questions have occasionally arisen regarding what is meant by the phrase ''rearmost portion of the head form'' in S4.3(b)(3). Therefore, the agency proposed to clarify the standard by replacing the reference to the phrase ''rearmost portion of the head form'' with a reference to the portion of the head form in contact with the head restraint.

Three commenters addressed this issue. Two supported the proposal and only one commenter (Liability Research Group (LRG)) objected to it. LRG believed that the proposed change would allow head form contact below the level of the mid-line of the head form and lead to poor head restraint designs. LRG provided no explanation of how the wording change would be detrimental to safety.

The wording change merely clarifies the location on the head form which is subject to the requirement. Therefore, the change will have no effect on safety and will not allow designs not already allowed by the standard. Therefore, NHTSA is adopting the proposed amendment.

Test Consolidation for Bench Seats

To reduce compliance testing costs, the agency proposed to specify that head restraints on bench-type seats would be loaded simultaneously during testing. On front bench seats, this proposal would have required the driver's and right passenger's head restraints to be tested in a single test instead of in two separate tests. Under the current test procedure, a load that will produce a 3,300 inch pound moment is applied to the head restraint. That load is then increased until either a 200 pound load is applied or the seat back fails. NHTSA tentatively concluded that manufacturers could experience minor cost savings as a result of running one test of both head restraints simultaneously, rather than two separate tests.

In the NPRM, the agency recognized that the proposal might theoretically allow manufacturers to install less strong head restraints. If simultaneous loads were to cause the seat back to fail before the 200 pound load were applied, the test would be considered incomplete, rather than a failure. The agency would not have been able to fully evaluate compliance of the vehicle with Standard No. 202. However, NHTSA did not believe that testing head restraints simultaneously would result in a seat back failure. This is because NHTSA has never had a seat back fail during its compliance testing for Standard No. 202, and because the total load would be less than seats are required to withstand under Standard No. 207, *Seating Systems.*

Therefore, the agency did not expect this proposal to result in a lessening of the safety requirements of the standard.

No commenter supported this proposal. Commenters expressed concern that the proposal could allow manufacturers to install weaker seats rather than strong head restraints. The commenters stated that there was no data to support the agency's belief that the proposal would not result in a reduction in safety.

Commenters also stated that the savings to manufacturers would not result. Commenters stated that the test setup would not be noticeably different for a test of two head restraints in comparison to two single tests. Commenters also stated that manufacturers would incur initial costs to upgrade laboratory equipment to conduct simultaneous tests.

Based on these comments, NHTSA is terminating rulemaking on this proposal. The intent of the proposal was to (a) reduce compliance test costs (b) without a reduction in safety. Commenters provided information that the first of these goals was not likely to be met. In addition, commenters raised doubts that the second goal would be met also.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures. This rule merely clarifies a phrase in the test procedure, and does not change the regulatory requirements of the standard. Therefore, there should be no economic impact from this rule.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, the agency expects no economic impact from this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.202 is amended by revising section S4.3(b)(3) to read as follows:

§ 571.202 Standard No. 202; Head restraints.

* * * * *

S4.3

* * * * *

(b)

* * * * *

(3) When tested in accordance with S5.2, any portion of the head form in contact with the head restraint shall not be displaced to more than 4 inches perpendicularly rearward of the displaced extended torso reference line during the application of the load specified in S5.2(c); and

* * * * *

Issued on May 22, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–13527 Filed 5–29–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 960111003–6068–03; I.D. 052196B]

Pacific Halibut Fisheries; 1996 Halibut Landing Report No. 1

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

ACTION: Inseason action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes these inseason actions pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock.

EFFECTIVE DATE: Non-treaty commercial fishing period for Area 2A: 8 a.m. through 6 p.m., Pacific local time, July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907–586–7221; William W. Stelle, Jr., 206–526–6140; or Donald McCaughran, 206–634–1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995, and amended at 61 FR 11337, March 20, 1996). On behalf of the IPHC, this inseason action is published in the Federal Register to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

1996 Halibut Landing Report No. 1

Non-treaty Commercial Fishing Period Limits in Area 2A

The Commission has determined that fishing period limits will be required during the 10-hour, July 10 non-treaty directed commercial fishing period in Area 2A to avoid exceeding the 91,052 pound (41.90 metric tons (mt)) catch limit. The July 10 fishing period will begin at 8:00 a.m. and end at 6:00 p.m. The fishery is restricted to waters that are south of Point Chehalis, Washington (46°53′18″ N. latitude) under regulations promulgated by National Marine Fisheries Service. Fishing period limits as indicated in the following table will be in effect for this opening.

Vessel class		Fishing period limit (pounds)	
Length	Letter	Dressed, head-on	Dressed, head-off *
0–25	A	285	250
26–30	B	360	315
31–35	C	575	505
36–40	D	1,580	1,390
41–45	E	1,700	1,495
46–50	F	2,035	1,790
51–55	G	2,265	1,995
56+	H	3,410	3,000

*Weights are after 2 percent has been deducted for ice and slime if fish are not washed prior to weighing.