

1994, December 19, 1994, and October 19, 1994, respectively. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 60 FR 2563 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated December 27, 1994, PCAPCD Rule 223; December 27, 1994, PCAPCD Rule 410; and December 27, 1994, SDCAPCD Rule 67.4).

Response to Public Comments

A 30-day public comment period was provided in 60 FR 2563. EPA received one comment letter from NAPP Systems, Inc. supporting EPA's proposed approval of SDCAPCD Rule 67.4.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 8, 1995.

John Wise,

Acting 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 F—California

2. Section 52.220 is amended by adding and reserving paragraphs (c)(201), (c)(202) introductory text, (c)(202)(i) introductory text, (c)(202)(i)(A) and (B), (c)(203), (c)(204), (c)(205) and (c)(206) and by adding paragraphs (c)(202)(i)(C), (c)(207) and (c)(208) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(201) [Reserved].

(202)(i)(A) [Reserved]

(B) [Reserved]

(C) San Diego County Air Pollution Control District (I) Rule 67.4, adopted on September 27, 1994.

(203)–(206) [Reserved]

(207) New and amended regulations for the following APCDs were submitted on November 30, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Placer County Air Pollution Control District.

(I) Rule 223, adopted on October 6, 1994.

(208) New and amended regulations for the following APCDs were submitted on December 19, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Placer County Air Pollution Control District.

(I) Rule 410, adopted on November 3, 1994.

[FR Doc. 95-7008 Filed 3-22-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 86

[AMS-FRL-5170-6]

RIN 2060-AC65

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic (OBD) Systems—Acceptance of Revised California OBD II Requirements; OBD Relief for Alternative Fueled Vehicles; and Revisions for Consistency Between Federal OBD and California OBD II

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This direct final rulemaking revises requirements associated with on-board diagnostic (OBD) systems. The federal OBD rulemaking, published February 19, 1993, allowed for compliance with California OBD II requirements as satisfying federal OBD requirements through the 1998 model year, an allowance of which most original equipment automobile manufacturers intend to take advantage. The California Air Resources Board has recently revised their OBD II requirements. The federal OBD regulations require appropriate revisions such that compliance with the recently revised OBD II requirements will satisfy federal OBD. Additionally, aspects of the federal OBD requirements will be revised and updated, in some cases to maintain consistency with the OBD II provisions, including providing OBD relief for alternative fueled vehicles, and in some cases to clarify federal OBD provisions. Finally, consistent with an order from the Court of Appeals for the District of Columbia, the federal regulations are being revised to delete a requirement that manufacturers include certain features to deter tampering on affected vehicles. **DATES:** This final action will become effective on May 22, 1995 unless notice is received by April 24, 1995 that any person wishes to submit adverse comments. Should EPA receive such notice, EPA will publish subsequent action in the **Federal Register** withdrawing all or part of this final action.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to: The Air Docket, room M-1500 (Mail

Code 6102), Waterside Mall, Attention: Docket No. A-90-35, 401 M Street SW., Washington, DC 20460. Materials relevant to this rulemaking are contained in Docket No. A-90-35, and may be viewed from 8:30 a.m. until noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket material. Those wishing to notify EPA of their intent to submit adverse comments on this action should contact Todd Sherwood, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT:
Todd Sherwood, (313) 668-4405.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

On February 19, 1993, the EPA promulgated a final rulemaking¹ requiring manufacturers of light-duty vehicles (LDV) and light-duty trucks (LDT) to install on-board emission control diagnostics (OBD) systems on such vehicles beginning in model year 1994. The regulations promulgated in that final rulemaking require that manufacturers install OBD systems which monitor emission control components for any malfunction or deterioration causing exceedances of certain emission thresholds, and alert the vehicle operator to the need for repair. That rulemaking also requires that, when a malfunction occurs, diagnostic information must be stored in the vehicle's computer to assist the mechanic in diagnosis and repair.

Additionally, that rulemaking makes an allowance for manufacturers to satisfy the Federal OBD requirements through the 1998 model year by installing systems satisfying the California OBD II requirements pertaining to those model years. This allowance means that manufacturers could concentrate on designing one system to meet the California OBD II requirements and installing that system nationwide during allowable model years. As EPA regulations cannot be revised except through EPA rulemaking, the OBD II requirements allowed under this provision were, and have continued to be, those existing on the date of publication of the federal OBD final rulemaking. This means that subsequent changes made to the OBD II requirements by the California Air Resources Board (ARB) may be inconsistent and potentially unacceptable for federal OBD compliance. The provisions of this

direct final rulemaking will allow manufacturers to comply with federal OBD requirements by optionally complying with more recent OBD II regulations, specifically those contained in ARB Mail Out #95-03, made publicly available January 19, 1995.

Also included in the February 1993 federal OBD final rulemaking was a requirement that all LDVs and LDTs for which emission standards were in place comply with the OBD requirements. A separate Agency rulemaking² subsequently promulgated emission standards for gaseous alternative fuels, and specified that these vehicles comply with federal OBD requirements beginning in the 1997 and 1998 model years for liquified petroleum gas and natural gas, respectively. The provisions of this direct final rulemaking will provide some regulatory relief through the 1998 model year for alternative fueled vehicles by requiring implementation of diagnostic strategies only to the extent feasible, or where the unique effects of alternative fuels on those diagnostic strategies are not of concern.

In § 86.094-18 of the February 1993 rulemaking was a requirement that vehicle manufacturers install on affected vehicles features to deter modification except as authorized by the manufacturer. Several associations representing aftermarket parts manufacturers, rebuilders, distributors, retailers and service and repair providers ("petitioners") petitioned for review of this provision of the United States Court of Appeals for the District of Columbia Circuit (Docket No. 93-1277). On May 9, 1994, the Agency and the petitioners filed with the Court a Joint Motion to Remand the Administrative Record to the Agency "in order for EPA to reconsider the anti-tampering provisions, to address any tensions between these provisions and the access and information availability requirements [of sections 202(m)(4) and 202(m)(5) of the Act], and, if necessary, to promulgate new regulations addressing EPA's concerns about tampering." The parties further requested the Court to order that the anti-tampering provisions (and the incorporation of California's anti-tampering regulations) be vacated. On May 19, 1994, the Court ordered that the joint motion be granted and that the anti-tampering regulation be vacated. The Court also ordered that 40 CFR 86.094-17(j) be vacated to the extent it requires compliance with California's anti-tampering regulations for those vehicles optionally certified to the

California OBD II requirements. On October 7, 1994, EPA published a notice³ informing the public of the decision of the court and announcing its intention to issue a final rulemaking officially withdrawing these provisions. Today's action withdraws these provisions.

II. Requirements of This Direct Final Rulemaking

A. Acceptance of Revised California OBD II

This direct final rulemaking allows manufacturers to comply with federal OBD requirements by optionally complying with the revised and recently adopted California OBD II regulations. This allowance is not new. The allowance for optional compliance with California OBD II was made in the federal OBD final rulemaking in February, 1993. However, since that time, the ARB has made several revisions to the OBD II regulations.

Because the Agency cannot simply accept the revised OBD II without undergoing the federal regulatory process, any optional compliance with California OBD II under the current federal regulations must be done against the OBD II regulations as they existed in February, 1993 (ARB Mail Out #92-56, November, 1992). However, the ARB has determined that several manufacturers would have difficulty complying with the OBD II regulations as they existed in February, 1993. The most notable requirements that currently pose difficulties are those for engine misfire detection under all positive torque engine speeds and conditions and full OBD II implementation on alternative fueled vehicles. Additionally, most manufacturers have indicated difficulty meeting other aspects of the OBD II regulations due to, for example, the complexity of the computer software requirements, and unpredictable driver actions such as resting a foot on the gas pedal while stopped at a traffic light. It is these additional difficulties that have prompted ARB to provide a "deficiency" allowance in their revised OBD II regulations whereby manufacturers can certify as OBD II compliant despite some reasonably acceptable and unplanned deficiency in the OBD system.

As a result of the ARB revisions to OBD II, and to remain consistent with the original intent of providing for optional compliance with OBD II for federal OBD purposes, this direct final rulemaking will provide the same

¹ 58 FR 9468, February 19, 1993.

² 59 FR 48472, September 21, 1994.

³ 59 FR 51114.

option but will require that manufacturers choosing this option comply with the more recent OBD II regulations contained in ARB Mail Out #95-03. This means that any federal vehicles complying with federal OBD by optionally complying with California OBD II are allowed the same deficiencies as allowed under the OBD II provisions. Note, however, that a manufacturer requesting certification of a deficient OBD II system must receive EPA acceptance of any deficiency independently of an acceptance made by ARB. The Agency will use the same criteria specified by the ARB, those criteria being the extent to which the requirements are satisfied overall on the vehicle applications in question, the extent to which the resultant diagnostic system design will be more effective than earlier OBD systems, and a demonstrated good-faith effort to meet the requirements in full by evaluating and considering the best available monitoring technology. The Agency will make every effort to make determinations of OBD II deficiency acceptance in concert with ARB staff to avoid the potential for conflicting determinations. However, the extent to which the agencies can make concurrent and coordinated findings will rely heavily on the manufacturer, who will be expected to provide any necessary information to both agencies in parallel rather than pursuing deficiency determinations on a separate basis.

B. Allowance of OBD Deficiencies for Federal OBD Vehicles

Consistent with ARB, the Agency has determined that a similar provision must also be provided for those vehicles certifying to the federal OBD requirements of § 86.094-17. This is necessary for the same reasons it was necessary for ARB to make the change. Despite the best efforts of manufacturers, many have needed to certify vehicles with some sort of deficiency when unanticipated problems arose that could not be remedied in time to meet production schedules. Given the newness and considerable complexity of designing, producing, and installing the components and systems that make up the OBD system, manufacturers have expressed and demonstrated difficulty in complying with every aspect of the OBD requirements, and such difficulty appears likely to continue into the 1996 and 1997 model years. The Agency believes that 100 percent compliance can be achieved, but during the initial years of OBD implementation, EPA believes that some sort of relief must be provided to allow for certification of

vehicles that, despite the best efforts of the manufacturers, have deficient OBD systems.

The EPA "deficiency" allowance should not be seen as a waiver of any kind. EPA will continue to grant blanket waivers for 1994 and/or 1995 model year vehicles. However, beginning with the 1996 model year, blanket waivers will not be granted. Though EPA will accept minor deficiencies, EPA does not intend to accept any deficiency requests that include the complete lack of a required diagnostic monitor. Furthermore, EPA does not intend to certify vehicles with federal OBD systems that have more than one OBD system deficiency, and EPA will not allow carryover of any deficiency to the following model year unless it can be demonstrated that correction of the deficiency requires hardware modifications that absolutely cannot be accomplished in the time available, as determined by the Administrator. These limitations should prevent a manufacturer from using the deficiency allowance as a means to avoid compliance or delay OBD implementation.

C. Relief for Alternative Fueled Vehicles

The acceptance of the recent OBD II regulations also means that alternative-fueled federal vehicles optionally complying with California OBD II are provided considerable relief relative to previous versions of OBD II. This direct final rule will make the same provisions available for vehicles certified specifically to the federal OBD requirements of § 86.094-17. Previously, OBD II required that alternative fueled vehicles comply fully with all applicable requirements beginning in the 1996 model year. EPA's final rulemaking on gaseous fuels⁴ required that LDVs and LDTs fueled by liquified petroleum gas (LPG) meet OBD requirements beginning with optionally certified vehicles in the 1994 model year. The gaseous fuels rulemaking also required that natural gas vehicles meet OBD requirements beginning with the 1998 model year. However, manufacturers have stated that, due to the workload associated with complying fully with the OBD requirements on gasoline vehicles, coupled with the low sales volumes projected for alternative fueled vehicles, OBD development and testing for such vehicles cannot be completed in either the OBD II or federal OBD timeframes. Manufacturers have stated that more time is needed to evaluate the effects of alternative fuels on component performance to ensure

that OBD diagnostic strategies will be reliable in-use. As a result of the OBD implementation deadlines, manufacturers have considered delaying plans to sell alternative fueled vehicles.

Recognizing these manufacturer concerns, and the inherent environmental benefits of having greater numbers of alternatively fueled vehicles manufactured as soon as possible, both the ARB and EPA have decided to delay full OBD II/federal OBD implementation until the 1999 model year for alternative fueled vehicles. For federal certification beginning in the 1997 model year for LPG light-duty vehicles and light-duty trucks, and beginning in the 1998 model year for natural gas LDVs and LDTs, manufacturers will be required to implement diagnostic strategies to the extent feasible, but will not be required to include monitoring strategies for which the effects of alternative fuels are of technological concern. Specifically, manufacturers will be required to implement electrical circuit continuity and/or functional checks at a minimum, and those major system monitors unaffected by fuel type. In addition, EPA will not require that federal alternative fueled vehicles minimally comply with California OBD I⁵ for those years prior to initiation of applicable emission standards. Instead, beginning with the applicability of emission standards and extending through the 1998 model year, EPA will require compliance with OBD II or federal OBD to the extent feasible. This is an important provision for manufacturers, since minimal compliance with OBD I sometimes cannot be met on alternative fueled vehicles (e.g., OBD I requires EGR monitoring while many alternative fueled vehicles have no EGR), and sometimes manufacturers would rather comply with OBD II or federal OBD than comply with OBD I because it is more accurate and effective (e.g., OBD I requires pass/fail determinations of computer input and output components, while OBD II requires rational decisions to be made concerning the functional characteristics of input and output components, i.e., the component is working, but is it working the way it should work?).

D. Revised Engine Misfire Identification Criteria

Another change being made in this direct final rulemaking is a revision to the misfire identification requirement. Currently, the federal OBD regulation requires that a fault code identify the specific cylinder in which a misfire condition has been detected for those

⁴ 59 FR 48472, September 21, 1994.

⁵ Title 13 California Code § 1968, p. 614.16.1.

cases where just one cylinder is misfiring. However, in working toward meeting the expanded misfire monitoring requirements of OBD II for the 1997 model year (detection under all positive torque engine conditions), some manufacturers have found that specific cylinder identification can be unreliable at higher engine speeds. The current federal OBD requirement does not specifically require misfire detection at such engine speeds, but the Agency does not want to provide any incentive for manufacturers to disable misfire monitoring under conditions where misfire can occur and can be reliably detected, even where those conditions are outside the range of Federal Test Procedure (FTP) operation. Consequently, the new provision will allow a manufacturer to disable algorithms employed to identify the misfiring cylinder under certain operating conditions if it can be demonstrated that the algorithm would not operate reliably when such conditions exist. This change will have no impact on the operating conditions under which misfire is to be detected, and it is consistent with changes recently made to the OBD II regulations.

E. Delay of the Signal Access Requirements of SAE J1979 Test Modes 6 and 7

Also being changed in this direct final rulemaking is a delay to the 1997 model year for full implementation of the signal access requirements specified in §§ 86.094-17(f)(3) and 86.094-17(h). Test modes 6 and 7 have only recently been added to Society of Automotive Engineers (SAE) Recommended Practice J1979 to standardize the format for making available numerical test results and limits for monitored components and systems, and the one-trip trouble codes for continuously monitored components. This information is helpful in diagnosis and repair of emission-related malfunctions.

F. Extension of Limited Waiver Provisions Into the 1995 Model Year

EPA is providing an extension through the 1995 model year of a limited waiver provision found in § 86.094-17(i). Previously, this limited waiver provision was provided for 1994 model year vehicles only. As decided in the February, 1993, OBD final rulemaking, there may be some engine families with very low sales volumes that have never been equipped with an OBD I or similar OBD system. In such cases, EPA may make special considerations by granting waivers as done in the 1994 model year for the 1995 model year to a system less than

OBD I. EPA will consider such factors as manufacturer projections of very low sales volume for an engine family (e.g., 5000 or less), scheduled phase-out of significant engine technology with the 1994 or 1995 model years for that engine family, and whether or not the engine, or any similar engine within the manufacturer's product line, has ever been equipped with an OBD I or similar OBD system in making waiver decisions to a system less than OBD I. As stated, this provision was previously available only for 1994 model year vehicles and is now being provided for 1995 model year vehicles. Note that the Agency has no intention of providing this limited waiver provision for the 1996 model year.

G. Revised Electrical Continuity/Functionality Check Provisions

Also being changed in this direct final rulemaking is the electrical circuit continuity monitoring provision of § 86.094-17(b)(1). This change is being made to clarify the Agency's stance that component functionality checks (i.e., a check of the functional characteristics of a component/system) are an acceptable and perhaps more effective diagnostic tool than an electrical continuity check alone. The current requirement specifies that, " * * * all emission-related powertrain components connected to a computer shall, at a minimum, be monitored for circuit continuity." The new requirement specifies that a functional system check may be performed provided the manufacturer can demonstrate that the functional check is equivalent or superior to the circuit continuity monitor.

Correspondingly, the certification provisions of § 86.094-30 and § 86.095-30 are being changed to reflect the monitoring requirement change being made to § 86.094-17(b)(1). The new certification provisions specify that the MIL must illuminate upon electrical disconnection of the evaporative purge control (if equipped), or the operation of any emission-related powertrain component which results in emission increases equal to any one of the 0.2/1.7/0.5 g/mi HC/CO/NO_x emission thresholds.

These changes are similar to a change recently made to the OBD II regulations which requires that the MIL be illuminated for any emission-related powertrain component malfunction causing emissions to increase by 15 percent of the applicable emission standard. Section 86.094-17(b) currently requires that the OBD system, at a minimum, detect loss of circuit continuity in any emission-related powertrain component connected to a

computer. This requirement will still apply as the minimum acceptable monitoring approach. However, because the Agency believes that a functional check can be a more effective diagnostic tool than an electrical continuity check alone, the Agency will accept a functional check. The Agency will minimally accept an electrical continuity check provided the manufacturer can demonstrate the adequacy of such a check.

H. Deletion of Anti-Tampering Regulations

Also being changed in this direct final rulemaking is the deletion of § 86.094-18 and the revision of § 86.094-17(j) for reasons specified above and in **Federal Register** notice of court decisions regarding Agency regulations.⁶ EPA is continuing to review its policy concerns regarding tampering. EPA may in the future determine that it is appropriate to promulgate new regulations to address these concerns. If the Agency determines that new regulations are appropriate, EPA will at that time publish a notice of proposed rulemaking addressing these concerns.

III. Public Participation and Effective Date

The Agency is publishing this action as a direct final rule because it views the changes contained herein as noncontroversial and anticipates no adverse or critical comments. This direct final rulemaking alters an existing provision by aligning federal OBD requirements with the most recent California OBD II requirements. Auto manufacturers should not take issue since they favor the requirements intended under this rule as they will save costs without impacting OBD system effectiveness, and they are provided more leadtime for development of OBD systems for alternative fueled vehicles. Aftermarket manufacturers and the independent service industry should not take issue since the rule will not affect the serviceability of vehicles or the design of replacement parts. Aftermarket fuel conversion kit manufacturers should not take issue since they favor additional leadtime for development of OBD systems. Environmental groups should not take issue since the rule will not significantly affect the emission reductions associated with OBD, and the rule will provide regulatory relief for alternative fueled vehicles allowing these vehicles to be more readily introduced into the vehicle fleet.

⁶ 59 FR 51114, October 7, 1994.

In addition, the Agency's deletion of the anti-tampering regulations is required by court order.

This action will be effective on May 22, 1995 unless EPA is notified by April 24, 1995 that adverse or critical comments will be submitted. EPA requests that, should any adverse or critical comments be submitted, they be submitted according to the specific issues as identified below:

- (a) Acceptance of Revised California OBD II
- (b) Allowance of OBD Deficiencies for Federal OBD Vehicles
- (c) Relief for Alternative Fueled Vehicles
- (d) Revised Engine Misfire Identification Criteria
- (e) Delay of the Signal Access Requirements of SAE J1979 Test Modes 6 and 7
- (f) Extension of Limited Waiver Provisions into the 1995 Model Year
- (g) Revised Electrical Continuity/Functionality Check Provisions
- (h) Deletion of Anti-Tampering Regulations

Should EPA receive such notice of adverse or critical comments on the specific issues as identified above, EPA will publish one action withdrawing the provisions of this final action corresponding to that specific issue. A subsequent action will then be published proposing those provisions and requesting comments.

IV. Administrative Requirements

A. Administrative Designation

Under Executive Order 12866⁷, the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Reporting and Recordkeeping Requirements

This direct final rulemaking does not change the information collection requirements submitted to and approved by OMB in association with the OBD final rulemaking (58 FR 9468, February 19, 1993; and, 59 FR 38372, July 28, 1994).

C. Impact on Small Entities

The Regulatory Flexibility Act of 1980 requires Federal agencies to identify potentially adverse impacts of federal regulations upon small entities. This direct final rulemaking will provide regulatory relief to both large and small volume automobile manufacturers by maintaining consistency with California OBD II requirements, by providing the limited 1995 model year waiver, by allowing deficiencies for federal OBD compliance, and by providing regulatory relief for alternative fueled vehicles. This direct final rulemaking will have no impact on businesses which manufacture, rebuild, distribute, or sell automotive parts, nor those involved in automotive service and repair.

Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(B), the Administrator certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR Part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

E. Electronic Copies of Rulemaking Documents

Electronic copies of the preamble and the regulatory text of this direct final rulemaking are available on the Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network bulletin Board System (TTNBBS). Instructions for accessing TTNBBS and downloading the relevant files are described below.

TTNBBS can be accessed using a dial-in telephone line (919) 541-5742 and a 1200, 2400, or 9600 bps modem (equipment up to 14.4 Kbps can be accommodated). The parity of the modem should be set to N or none, the data bits to 8, and the stop bits to 1.

When first signing on the bulletin board, the user will be required to answer some basic informational questions to register into the system. After registering, proceed through the following options from a series of menus:

(T) Gateway to TTN Technical Areas (Bulletin Boards)

(M) OMS

(K) Rulemaking and Reporting

At this point, the system will list all available files in the chosen category in chronological order with brief descriptions. File information can be obtained from the "READ.ME" file. To download a file, the user needs to choose a file transfer protocol appropriate for the user's computer from the options listed on the terminal.

TTNBBS is available 24 hours a day, 7 days a week except Monday morning from 8-12 Eastern Time, when the system is down for maintenance and backup. For help in accessing the system, call the systems operator at (919) 541-5384 in Research Triangle Park, North Carolina, during normal business hours Eastern Time.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: March 2, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 86 of title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

Subpart A—[Amended]

2. Section 86.094-17 is amended by revising paragraphs (b)(1), (e)(2), (f)(3), (i), and (j) to read as follows:

§ 86.094-17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.

* * * * *

⁷ 58 FR 51735 (October 4, 1993).

(b) (1) The electronic evaporative emission purge control, if equipped, and all emission-related powertrain components connected to a computer shall, at a minimum, be monitored for circuit continuity. In lieu of monitoring circuit continuity, a functional system check may be performed provided the manufacturer can demonstrate that the functional check is equivalent or superior to the circuit continuity monitor. All components required by these regulations to be monitored shall be evaluated periodically, but no less frequently than once per Urban Dynamometer Driving Schedule as defined in appendix I, paragraph (a), of this part, or similar trip.

* * * * *

(e) * * *

(2) For a single misfiring cylinder, the fault code(s) shall identify the cylinder, unless the manufacturer submits data and/or an engineering evaluation which adequately demonstrate that the misfiring cylinder cannot be reliably identified under certain operating conditions; multiple misfiring cylinders need not be uniquely identified if a distinct multiple misfire fault code is stored.

* * * * *

(f) * * *

(3) For all emission control components and systems for which specific on-board evaluation tests are conducted (catalyst, oxygen sensor, etc.), the results of the most recent test performed by the vehicle, and the limits to which the system is compared shall be available through the data link per SAE J1979 specifications as referenced in paragraph (h) of this section beginning no later than the 1997 model year. The Administrator may allow a pass/fail indication for the most recent test results for those monitored components and systems for which such an indication is more appropriate (e.g., misfire detection, fuel system monitoring, etc.).

* * * * *

(i) Upon application by the manufacturer, the Administrator may either waive the requirements of this section for specific components of any class or category of light-duty vehicles or light-duty trucks for model years 1994 or 1995 (or both), or, through the 1998 model year, the Administrator may accept an OBD system as compliant even though specific requirements are not fully met. Such waivers or compliances without meeting specific requirements will be granted only if compliance would be infeasible or unreasonable considering such factors as, but not limited to, technical

feasibility, lead time and production cycles including phase-in or phase-out of engines or vehicle designs and programmed upgrades of computers, and if any unmet requirements are not carried over from the previous model year except where unreasonable hardware modifications would be necessary to correct the noncompliance, and the manufacturer has demonstrated an acceptable level of effort toward compliance as determined by the Administrator. For alternative fueled vehicles (i.e., natural gas, liquified petroleum gas, or methanol), beginning with the model year for which emission standards are applicable and extending through the 1998 model year, manufacturers may request the Administrator to waive specific monitoring requirements of this section for which monitoring may not be reliable with respect to the use of the alternative fuel. At a minimum, all vehicles covered by this section, including those receiving a waiver as described in this paragraph, shall be equipped with an OBD system meeting either the California OBD I requirements, or some acceptable portion of the California OBD II or federal OBD requirements as specified in this section, except that for the 1994 and 1995 model years EPA may grant a waiver to a system less than OBD I giving consideration to such factors as manufacturer projections of very low sales volume for an engine family (e.g., 5000 or less), scheduled phase-out of significant engine technology with the 1994 or 1995 model years for that engine family, and whether or not the engine, or any similar engine within the manufacturer's product line, has ever been equipped with an OBD I or similar OBD system.

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code 1968.1), as modified pursuant to California Mail Out #95-03 (January 19, 1995), shall satisfy the requirements of this section through the 1998 model year except that compliance with Title 13 California Code 1968.1(d), pertaining to tampering protection, is not required to satisfy the requirements of this section.

§ 86.094-18 [Removed].

- 3. Section 86.094-18 is removed.
- 4. Section 86.094-30 is amended by revising paragraph (f)(4) to read as follows:

§ 86.094-30 Certification.

* * * * *

(f) * * *

(4) The electronic evaporative purge control device (if equipped) is

disconnected or the operation of any emission-related powertrain component connected to a computer results in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

5. Section 86.095-30 is amended by revising paragraph (f)(4) to read as follows:

§ 86.095-30 Certification.

* * * * *

(f) * * *

(4) The electronic evaporative purge control device (if equipped) is disconnected or the operation of any emission-related powertrain component connected to a computer results in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

[FR Doc. 95-6272 Filed 3-22-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5176-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Crystal City Airport Superfund Site (Site) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Site in Crystal City, Texas, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Ernest R. Franke, Remedial Project Manager, US EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.