

Penalties, Reporting and recordkeeping requirements.

V. Text of Final Amendments

Accordingly, the Commission amends 16 CFR part 305 as follows:

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT (“APPLIANCE LABELING RULE”)

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Section 305.11 is amended by revising paragraphs (e)(1)(iii), (e)(1)(iv), and (e)(1)(vi) to read as follows:

§ 305.11 Labeling for covered products.

* * * * *

(e) Lamps—

(1)(i) * * *

(iii) The light output, energy usage and life ratings of any covered product that is a medium base compact fluorescent lamp or general service incandescent lamp (including an incandescent reflector lamp), shall be measured at 120 volts, regardless of the lamp’s design voltage. If a lamp’s design voltage is 125 volts or 130 volts, the disclosures of the wattage, light output and life ratings shall in each instance be:

(A) At 120 volts and followed by the phrase “at 120 volts.” In such case, the labels for such lamps also may disclose the lamp’s wattage, light output and life at the design voltage (e.g., “Light Output 1710 Lumens at 125 volts”); or

(B) At the design voltage and followed by the phrase “at (125 volts/130 volts)” if the ratings at 120 volts are disclosed clearly and conspicuously on another panel of the package, and if all panels of the package that contain a claimed light output, wattage or life clearly and conspicuously identify the lamp as “(125 volt/130 volt),” and if the principal display panel clearly and conspicuously discloses the following statement:

This product is designed for (125/130) volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See (side/back) panel for 120 volt ratings.

(iv) For any covered product that is an incandescent reflector lamp, the required disclosure of light output shall be given for the lamp’s total forward lumens.

* * * * *

(vi) For any covered product that is a compact fluorescent lamp or a general service incandescent lamp (including an incandescent reflector lamp), there shall be clearly and conspicuously disclosed on the principal display panel the following statement:

To save energy costs, find the bulbs with the (beam spread and) light output you need, then choose the one with the lowest watts.”

* * * * *

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95-14440 Filed 6-12-95; 8:45 am]

BILLING CODE 6750-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA63-1-7032a; FRL-5220-4]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania: Withdrawal of Determination of Attainment of Ozone Standard by the Pittsburgh-Beaver Valley and Reading Ozone Nonattainment Areas and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On May 26, 1995, EPA published a final rule determining the applicability of certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act (CAA) for the Pittsburgh/Beaver Valley and Reading ozone nonattainment areas. This action was published without prior proposal. Because EPA received adverse comments on this action, EPA is withdrawing the May 26, 1995, final rulemaking action pertaining to the Pittsburgh/Beaver Valley and Reading nonattainment areas.

EFFECTIVE DATE: June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597-0545.

SUPPLEMENTARY INFORMATION: On May 26, 1995, EPA published a final rule determining that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title I of the Clean Air Act (CAA) for the Pittsburgh/Beaver Valley and Reading ozone nonattainment areas

no longer apply. This determination was based on these areas having attained the National Ambient Air Quality Standard (NAAQS) for ozone based on three years of air quality monitoring data (60 FR 27893). The final rule was published, without prior proposal, in the **Federal Register** with a provision for a 30 day comment period. At the same time, EPA published a proposed rule which announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the **Federal Register** (60 FR 27945). By publishing a notice announcing withdrawal of the final rulemaking action, this action would be withdrawn. EPA received adverse comment within the prescribed comment period. Therefore, EPA is withdrawing the May 26, 1995, final rulemaking action pertaining to the Pittsburgh/Beaver Valley and Reading nonattainment areas. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: June 5, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95-14388 Filed 6-12-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA-140-2-6993a; FRL-5211-9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: Mojave Desert Air Quality Management District (MDAQMD) and South Coast Air Quality Management District (SCAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic

compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the deficiencies in these rules have been corrected and that on the effective date of this action, any sanction or Federal Implementation Plan (FIP) clock is stopped. The revised rules control VOC emissions from metal container, closure, and coil coating operations, magnet wire coating operations, and automotive coating operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on August 14, 1995 unless adverse or critical comments are received by July 13, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 M Street SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 L Street, Sacramento, CA 92123-1095.

Mojave Desert Air Quality Management District, 15428 Civic Drive, Victorville, CA 92392.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765.

FOR FURTHER INFORMATION CONTACT:

Nikole Reaksecker, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1187.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SCAQMD Rule 1151, Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations; SCAQMD Rule 1125, Metal Container, Closure, and Coil Coating

Operations; SCAQMD Rule 1126, Magnet Wire Coating Operations; and MDAQMD Rule 1116, Automotive Refinishing Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on January 24, 1995, February 24, 1995 (Rules 1125 and 1126), and March 31, 1995, respectively.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Los Angeles-South Coast Air Basin (South Coast) and the Southeast Desert Area.¹ 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172 (a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.² EPA's SIP-Call used that

¹The Mojave Desert Air Quality Management District (MDAQMD) was created by Assembly Bill AB 2522 signed into law by the Governor of California on September 12, 1992. It includes all of the County of San Bernardino which is not included within the boundaries of the South Coast Air Quality Management District, and may include contiguous areas situated in the Southeast Desert Air Basin upon request for inclusion. The Mojave Desert District commenced operations on July 1, 1993, and on that date assumed the authority, duties and employees of the San Bernardino County Air Pollution Control District, which ceased to exist as of that date.

²Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that

guidance to indicate the necessary corrections for specific nonattainment areas. The Southeast Desert Area is classified as severe and South Coast is classified as extreme;³ therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on January 24, 1995, February 24, 1995, and March 31, 1995, including the rules being acted on in this document. This document addresses EPA's direct-final action for SCAQMD Rule 1125, Metal Container, Closure, and Coil Coating Operations; SCAQMD Rule 1126, Magnet Wire Coating Operations; SCAQMD Rule 1151, Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations; and MDAQMD Rule 1116, Automotive Refinishing Operations. SCAQMD adopted Rules 1125 and 1126 on January 13, 1995, and Rule 1151 on December 9, 1994. MDAQMD adopted Rule 1116 on February 22, 1995. These submitted rules were found to be complete on February 24, 1995, March 10, 1995, and May 2, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 appendix V⁴ and are being finalized for approval into the SIP.

SCAQMD Rule 1125 controls volatile organic compound (VOC) emissions from metal container, closure, and coil coating operations. SCAQMD Rule 1126 limits the VOC content of magnet wire coatings. SCAQMD Rule 1151 and MDAQMD Rule 1116 limit the emissions of VOCs from the finishing or refinishing of motor vehicles, mobile equipment, and their parts and components. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of the SCAQMD's and the MDAQMD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The

concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

³The South Coast and Southeast Desert Areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

⁴EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 2. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SCAQMD Rule 1125 is entitled, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks", EPA-450/2-77-032. The CTG applicable to SCAQMD Rule 1126 is entitled, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Magnet Wire", EPA-450/2-77-033. SCAQMD Rule 1151 and MDAQMD Rule 1116 control emissions from a source category for which EPA has not yet issued a CTG. However, EPA has issued a guidance document called an Alternative Control Techniques (ACT). The ACT applicable to SCAQMD Rule 1151 and MDAQMD Rule 1116 is entitled, "Alternative Control Techniques Document: Automobile Refinishing", EPA-453/R-94-031. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 2. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SCAQMD submitted Rule 1125, Metal Container, Closure, and Coil Coating, includes the following significant changes from the current SIP:

- adds applicability section,
 - clarifies and/or updates several definitions,
 - removes reference to unspecified test methods,
 - specifies collection and destruction efficiencies for emission control systems and includes an equation for determining control device equivalency,
 - removes language allowing Executive Officer discretion,
 - includes test methods for determining VOC content, exempt compound content, collection and control device efficiencies, and transfer efficiency,
 - states what constitutes a violation of the rule,
 - requires the most recently approved version of a test method to be used to determine compliance, and
 - exempts aerosol coating products.
- SCAQMD submitted Rule 1126, Magnet Wire Coating Operations, includes the following significant changes from the current SIP:
- adds applicability section,
 - clarifies and/or updates several definitions,
 - allows use of an emission control system as an alternative means of complying,
 - specifies an overall capture and control efficiency of 90 percent,
 - includes test methods for determining collection and control efficiencies,
 - provides an equation for determining equivalency,
 - states what constitutes a violation of the rule,
 - requires the most recently approved version of a test method to be used to determine compliance, and
 - exempts aerosol coating products.
- SCAQMD submitted Rule 1151, Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations, includes the following significant changes from the current SIP:
- expands applicability section,
 - revises list of exempt compounds and adds their phase-out dates,
 - increases maximum solid content of pretreatment coatings,
 - deletes precoat and extreme performance topcoat categories,
 - adds multi-color coating category,
 - revises VOC limits and compliance dates for Group I and Group II single-stage metallic topcoats, Group II single-stage solid and multistage topcoats, and Group II primer sealer,
 - deletes 5% usage limitation for specialty coatings,
 - prohibits use of coatings containing hexavalent chromium and cadmium,
 - revises transfer efficiency requirements,

- provides an equation for determining equivalency,
 - adds prohibition of sales clause,
 - clarifies and/or updates several definitions,
 - adds recordkeeping requirements for add-on control systems,
 - revises test method section and clarifies language to improve rule enforceability and effectiveness, and
 - adds a de minimis exemption for coatings used at training centers.
- MDAQMD Rule 1116, Automotive Refinishing Operations, includes the following significant changes from the current SIP:
- revises VOC limits and compliance dates to represent currently achievable technology,
 - establishes more stringent VOC limits which will take effect on July 1, 1997,
 - changes the effective date of the "prohibition of sale" clause,
 - exempts facilities emitting less than 3 lbs. of VOC per hour or 15 lbs. of VOC per day, or which have a theoretical potential to emit less than 10 tons of VOC per year,
 - deletes the precoat category, and
 - adds a definition for multistage topcoats.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD Rule 1125, Metal Container, Closure, and Coil Coating Operations; SCAQMD Rule 1126, Magnet Wire Coating Operations; SCAQMD Rule 1151, Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations; and MDAQMD Rule 1116, Automotive Refinishing Operations, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D. The final action on these rules serves as a final determination that the deficiencies in these rules have been corrected. Therefore, if this direct final action is not withdrawn, on August 14, 1995, any sanction or FIP clock is stopped. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register**

publication, the EPA states its intention to convert the direct final to a proposal should adverse or critical comments be filed. Thus, this direct final action will be effective August 14, 1995, unless, by July 13, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 the direct final action will be effective August 14, 1995.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

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: May 19, 1995.

Alexis Strauss,

Acting Regional Administrator.

Subpart F of 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 paragraphs (c)(214), (215), and (216) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(214) New and amended regulations for the following APCDs were submitted on January 24, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 1151, adopted on December 9, 1994.

(215) New and amended regulations for the following APCDs were submitted on February 24, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rules 1125 and 1126, adopted on January 13, 1995.

(216) New and amended regulations for the following APCDs were submitted on March 31, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Mojave Desert Air Quality Management District.

(1) Rule 1116, adopted on February 22, 1995.

[FR Doc. 95-14391 Filed 6-12-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[CA-140-2-6993c; FRL 5212-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination that State has Corrected the Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: Elsewhere in today's **Federal Register**, EPA is publishing a direct final rulemaking fully approving revisions to the California State Implementation Plan. The revisions concern rules from South Coast Air Quality Management District (SCAQMD) and Mojave Desert Air Quality Management District (MDAQMD): SCAQMD Rules 1125, 1126, and 1151, and MDAQMD Rule 1116. EPA is also publishing in today's **Federal Register** a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on EPA's proposed action within 30 days of publication of the proposed and direct final actions, EPA will withdraw its direct final action and will consider any comments received before taking final action on the State's submittal. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which sanctions clocks began on December 20, 1993 and April 14, 1994. This action will defer the application of the offset sanctions and defer the application of the highway sanctions. Although this action is effective upon publication, EPA will take comment. If no comments are received on EPA's proposed approval of the State's submittal, the direct final action published in this **Federal Register** will also finalize EPA's determination that the State has corrected the deficiencies that started the sanctions clocks. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final notice taking into consideration any comments received.

DATES: This interim final determination is effective June 13, 1995. Comments must be received by July 13, 1995.

ADDRESSES: Comments should be sent to: Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

The state submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 M Street SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 L Street, Sacramento, CA 92123-1095