

[FR Doc. 95-22156 Filed 9-8-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 60

[AD-FRL-5287-7]

Standards of Performance for New Stationary Sources Appendix A—Reference Methods; Amendments to Method 24 for the Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the determination of volatile matter content, density, volume solids, and water content for non thin film ultraviolet radiation-cured coatings. Method 24 refers to the American Society for Testing and Materials (ASTM) procedures for the determination of volatile matter content, density, volume solids, weight solids, and water content of surface coatings. This ASTM method excluded ultraviolet radiation-cured coatings which was not EPA's intent. Therefore, EPA is revising Method 24 to apply to non thin film ultraviolet radiation-cured coatings.

EFFECTIVE DATE: September 11, 1995.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of September 11, 1995.

ADDRESSES: *Docket.* Docket No. A-94-37, containing material relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and Noon, and 1:30 and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Room M1500, First Floor, Waterside Mall, Gallery 1, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Candace Sorrell at (919) 541-1064, Source Characterization Group A (MD-19), Emissions, Monitoring, and Analysis Division, US Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

Method 24 was intended to be used for measuring volatile organic compounds content of all coatings that are intended for either ambient or baking film foundation. When Method 24 was published in 1980 it referenced

the American Society for Testing and Materials (ASTM) Method D 2369-81, which the Environmental Protection Agency believed would apply to all coatings. However, that method was not applicable to ultraviolet (UV) radiation-cured coatings and this amendment to Method 24 will incorporate ASTM Method D 5403-93, which does contain those procedures.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulation, nor does it change any emission standard. Rather, the rulemaking would simply amend an existing test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

II. Public Participation

The opportunity to hold a public hearing on February 8, 1995 at 10 a.m. was present in the proposal notice, but no one desired to make an oral presentation. The public comment period was from January 9, 1995 to March 7, 1995.

III. Significant Comments and Changes to the Proposed Rulemaking

Seven comment letters were received from the proposal rulemaking. The major comments and responses are summarized in this preamble.

Three comments believe that ASTM D 5403-93 is not applicable to thin film UV cured coatings and inks. They noted that to meet the minimum sample size requirement of 0.2 grams, at the coatings recommended thickness, the substrate would be too large to weigh on normal laboratory balances. They requested that the method be modified to state this limitation.

The EPA agrees that the method should be modified to state that ASTM D 5403-93 is not applicable to thin film UV cured coatings and inks. For this method a thin film UV cured coating or ink is one which will not allow the tester to apply at least 0.2 g of coating to the substrate at the supplier recommended film thickness. Revisions have been made to add the equation used to determine if ASTM D 5403-93 is applicable. The revisions also include the requirement of a minimum size substrate before a coating can be classified thin film for this method.

One commenter requested that the cure test at 50 percent exposure and the oven drying portion of ASTM D 5403-93 be deleted from the proposed Method 24 amendments for UV cured coatings. The commenter believes that these steps should be deleted because they expose the cured coatings to conditions to

which they would not normally be exposed and over estimate potential emissions.

The EPA does not agree with the commenter's argument that these steps over estimate potential emissions. The purpose of the cure test is to ensure that the coating is properly cured before being placed in the oven. If the coating is not properly cured before being placed in the oven, the emissions will be biased high. The purpose of placing the cured coating in the oven is to determine the VOC emissions that will be emitted over time. Even after a coating is cured under normal procedures, VOC are released during the life time of the coating.

Two commenters were concerned that EPA looks at this modification to Method 24 as a complete "fix it" for the test method. They both noted section 1.4 of ASTM D 5403-93 which states that the method may not be applicable to radiation curable materials wherein the volatile material is water.

The EPA is not trying to imply that this modification makes Method 24 perfect. The EPA recognizes the limitations of ASTM D 5403-93 as stated in Section 1 of the method and also its limitations with respect to thin film radiation cured coating as previously discussed in this preamble. However, Method 24 is the best method currently available for determining the VOC content of coatings and inks. The EPA is always investigating new ways to improve its current test methods including Method 24.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file for all information submitted or otherwise considered by EPA in the development of this proposed rulemaking. The principle purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials).

[Section 307(d)(7)(A)].

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of this 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 obligation 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.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not "significant" because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

C. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year. Section 204 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-

effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of an RFA analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted. Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the promulgated rule will not have an impact on small entities because no additional costs will be incurred.

E. Paperwork Reduction Act

This rule does not change any information collection requirements subject to Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Surface coating of metal furniture, Automotive and light duty truck surface coating operations, Graphic arts industry publications rotogravure printing, Pressure sensitive tape and label surface coating, Industrial surface coating, Large appliances, Metal coil surface coating, Beverage can surface coating industry, Flexible vinyl and urethane coating and printing, Plastic parts for business machine coatings industry, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: August 23, 1995.

Carol M. Browner,
Administrator.

40 CFR part 60 is amended as follows:
1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401-7601.

2. In § 60.17 of Subpart A, by adding a paragraph (a)(63) to read as follows:

§ 60.17 Incorporation by reference.

* * * * *

(a) * * *

(63) ASTM D 5403-93 Standard Test Methods for Volatile Content of Radiation Curable Materials. IBR

approved September 11, 1995 for Method 24 of Appendix A.

* * * * *

3. In Method 24 of Appendix A, Section 3.1 is amended by removing the words "For all other coatings analyzed as follows":

4. In Method 24 of Appendix A, Sections 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 are redesignated as Sections 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, respectively.

5. In Method 24 of Appendix A, Equations 24-1 through 24-4 are redesignated as Equations 24-2 through 24-5, respectively.

6. In Method 24 of Appendix A, newly redesignated Section 3.8.1, last sentence, "Section 3.4" is revised to read "Section 3.5".

7. In Method 24 of Appendix A, newly redesignated Section 3.8.2, second sentence, "Section 3.3" is revised to read "Section 3.4".

8. In Method 24 of Appendix A, newly redesignated Section 3.8.2, third sentence, "Section 3.4" is revised to read "Section 3.5".

9. In Method 24 of Appendix A, newly redesignated Section 3.8.2.4, last sentence, "Equation 24-1" is revised to read "Equation 24-2".

10. In Method 24 of Appendix A, Sections 2.6, 3.2 and 3.9 are added to read as follows:

* * * * *

2. * * *

2.6 ASTM D 5403-93 Standard Test Methods for Volatile Content of Radiation Curable Materials (incorporated by reference—see § 60.17).

* * * * *

3.2 Non Thin-film Ultraviolet Radiation-cured Coating. To determine volatile content of non thin-film ultraviolet radiation-cured (UV radiation-cured) coatings, follow the procedures in Section 3.9. Determine water content, density and solids content of the UV-cured coatings according to Sections 3.4, 3.5, and 3.6, respectively. The UV-cured coatings are coatings which contain unreacted monomers that are polymerized by exposure to ultraviolet light. To determine if a coating or ink can be classified as a thin-film UV cured coating or ink, use the following equation:

$$C = F A D \text{ Eq. 24-1}$$

Where:

A=Area of substrate, in², cm².

C=Amount of coating or ink added to the substrate, g.

D=Density of coating or ink, g/in³ (g/cm³)

F=Manufacturer's recommended film thickness, in (cm).

If C is less than 0.2 g and A is greater than or equal to 35 in² (225 cm²) then the coating or ink is considered a thin-film UV radiation-cured coating for determining applicability of ASTM D 5403-93.

Note: As noted in Section 1.4 of ASTM D 5403-93, this method may not be applicable to radiation curable materials wherein the volatile material is water. For all other coatings not covered by Sections 3.1 or 3.2 analyze as follows:

* * * * *

3.9 UV-cured Coating's Volatile Matter Content. Use the procedure in ASTM D 5403-93 (incorporated by reference—see § 60.17) to determine the volatile matter content of the coating except the curing test described in NOTE 2 of ASTM D 5403-93 is required.

* * * * *

[FR Doc. 95-21527 Filed 9-8-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 81

[CT-22-1-7078a; A-1-FRL-5271-5]

Clean Air Act Promulgation of Reclassification of PM₁₀ Nonattainment Areas—Connecticut; Approval of 1-Year Extension of Attainment Date for New Haven

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving Connecticut's request for a 1-year extension of the attainment date for the New Haven PM₁₀ nonattainment area. This action is based on monitored air quality data for the national ambient air quality standard for PM₁₀ during the years 1992-94. This action is being taken under the Clean Air Act.

DATES: This final rule is effective November 13, 1995, unless notice is received by October 11, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, EPA-New England, JFK Federal Building (AAA), Boston, MA 02203-2211. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the Air, Pesticides and Toxics Management Division, EPA-New England, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and

Information Center, US Environmental Protection Agency, 401 M Street, SW., (LE-131), Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, (617) 565-4982.

SUPPLEMENTARY INFORMATION:

Background

Clean Air Act Requirements and EPA Actions Concerning Designation and Classification

On the date of enactment of the Clean Air Act Amendments of 1990 (herein after referred to as "the Act"), PM₁₀ areas meeting the qualifications of § 107(d)(4)(B) of the Act were designated nonattainment by operation of law. [See generally, 42 USC section 7407(d)(4)(B).] These areas included all former Group I areas and any other areas violating the PM₁₀ standards prior to January 1, 1989. On October 31, 1990 (55 FR 45799), EPA redefined a Group I area for Connecticut as the City of New Haven; the remainder of the state was designated as Group III. Subsequently, after enactment of the Act on November 15, 1990, New Haven was designated moderate nonattainment for PM₁₀ in 56 FR 11101 (March 15, 1991). All other areas not designated nonattainment at enactment were designated unclassifiable.

States containing areas which were designated as moderate nonattainment by operation of law under § 107(d)(4)(B) were required to develop and submit SIPs to provide for the attainment of the PM₁₀ NAAQS. Under § 189(a)(2), those SIP revisions were to be submitted within 1 year of enactment of the Act (November 15, 1991). The SIP revisions were to provide for implementation of reasonable available control measures/technology (RACM/RACT) by December 10, 1993 and attainment of the PM₁₀ NAAQS by December 31, 1994.

Reclassification as Serious Nonattainment

EPA has the responsibility, under §§ 179(c) and 188(b)(2) of the Act, of determining within 6 months after December 31, 1994 whether initial moderate PM₁₀ nonattainment areas have attained the NAAQS. Section 179(c)(1) of the Act provides that these determinations are to be based upon an area's "air quality as of the attainment date," and § 188(b)(2) is consistent with this requirement. EPA will make the determinations of whether an area's air quality is meeting the PM₁₀ NAAQS based upon air quality data gathered at

monitoring sites in the nonattainment area and entered into the Aerometric Information Retrieval System (AIRS). This data will be reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR Part 50, Appendix K.

According to Appendix K, attainment of the annual PM₁₀ standard is achieved when the annual arithmetic mean PM₁₀ concentration is equal to or less than 50 µg/m³. Attainment of the 24-hour standard is determined by calculating the expected number of exceedances of the 150 µg/m³ limit per year. The 24-hour standard is attained when the expected number of exceedances is 1.0 or less. A total of 3 consecutive years of clean air quality data is generally necessary to show attainment of the 24-hour and annual standards for PM₁₀. A complete year of air quality data, as referred to in 40 CFR Part 50, Appendix K, is comprised of all 4 calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

Under § 188(b)(2) a moderate area shall be reclassified as serious by operation of law after the statutory attainment date if the Administrator determines that the area has failed to attain the NAAQS. Under § 188(b)(2)(B) of the Act, the EPA must publish a notice in the **Federal Register** identifying those areas which failed to attain the standard and must be reclassified as serious by operation of law.

Application for a 1-year Extension of the Attainment Date

If the State does not have the necessary number of consecutive clean years of data to show attainment of the NAAQS, a State may apply for an extension of the attainment date. Pursuant to § 188(d) of the Act, a State may apply for and EPA may grant a 1-year extension of the attainment date if the State has: (1) complied with the requirements and commitments pertaining to the applicable implementation plan for the area, and (2) the area has measured no more than 1 exceedance of the 24-hour PM₁₀ standard in the year preceding the extension year, and the annual mean concentration of PM₁₀ in the area for such year is less than or equal to the standard. If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or does not qualify for an attainment date extension, the area will be reclassified as serious by operation of law.

Section 188(d) of the Act provides that the Administrator "may" extend