

epidemiological investigation has confirmed that the disease has not spread from the herd, and all reactor cattle and bison have been destroyed. However, if tuberculosis is detected in two or more herds in the State within 48 months, the State's accredited-free status is revoked.

Before publication of this interim rule, Wisconsin was designated in § 77.1 of the regulations as an accredited-free State. However, because tuberculosis has recently been confirmed in one herd within the State, the Administrator has determined that Wisconsin no longer meets the criteria for designation as an accredited-free State, but instead meets the criteria for designation as an accredited-free (suspended) State. Therefore, we are amending the regulations by removing Wisconsin from the list of accredited-free States in § 77.1 and adding it to the list of accredited-free (suspended) States in that section.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to change the regulations so that they accurately reflect the current tuberculosis status of Wisconsin as an accredited-free (suspended) State. This will provide prospective cattle and bison buyers with accurate and up-to-date information.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the Federal Register. We will consider comments that are received within 60 days of publication of this rule in the Federal Register. After the comment period closes, we will publish another document in the Federal Register. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Wisconsin has approximately 61,000 cattle herds containing 3.85 million cattle and bison. An estimated 98 percent of these herds are owned by small businesses. Changing the status of Wisconsin may affect the marketability of cattle and bison from the State, since

some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in a small detrimental economic impact on some small entities. We anticipate that this action will not have a significant effect on marketing patterns in Wisconsin and will therefore not have a significant effect on those small entities affected by this action.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, 9 CFR part 77 is amended as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, in the definition for *Accredited-free state*, paragraph (2) is amended by removing “Wisconsin,”.

3. In § 77.1, in the definition for *Accredited-free (suspended) State*, paragraph (2) is amended by removing “None” and adding “Wisconsin” in its place.

Done in Washington, DC, this 21st day of November 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–30017 Filed 12–7–95; 8:45 am]

BILLING CODE 3410–34–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1512

Requirements for Bicycles

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of rules.

SUMMARY: The Commission revokes two labeling rules applicable to bicycles introduced into interstate commerce between May 11, 1976, and May 11, 1978. The Commission is revoking these rules because no bicycles offered for sale at this time are subject to their requirements.

EFFECTIVE DATE: December 8, 1995.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauning, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0980, extension 2216.

SUPPLEMENTARY INFORMATION:

A. Background

In 1976, the Commission published regulations prescribing safety requirements for bicycles under the authority of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 *et seq.*), to become effective on May 11, 1976. (See the Federal Register notice of January 28, 1976; 41 FR 4144.) These regulations are codified at 16 CFR Part 1512, and include requirements for the design, performance, and labeling of bicycles.

The regulations are applicable to bicycles introduced into interstate commerce on and after May 11, 1976. Bicycles introduced into interstate commerce before that date are not subject to their requirements. Consequently, on the effective date of the regulations, bicycles introduced into interstate commerce before May 11, 1976, could be sold without violating the regulations or the FHSA.

B. Issuance of Temporary Labeling Requirements

To help consumers identify bicycles manufactured to comply with the regulations, the Commission included a requirement in the regulations that bicycles introduced into interstate

commerce from May 11, 1976, through May 11, 1978, had to be labeled with a hang tag or other removable label stating: "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." See section 1512.19(d) of the regulations. Section 1512.19(d) specifies minimum dimensions for the label and the height of the lettering of the required statement.

After the effective date of the bicycle regulations, the Commission issued a statement of policy and interpretation to allow minor variations in the size of the hang tags or labels required by section 1512.19(d). See the Federal Register of May 27, 1976. The statement of policy and interpretation is codified as 16 CFR 1512.50.

C. Revocation

No bicycles introduced into commerce now or in the future are or will be subject to the labeling rule and policy statement codified at 16 CFR 1512.19(d) and 1512.50. For this reason, the Commission is revoking that rule and policy statement.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires agencies to publish a notice of proposed rulemaking and provide opportunity for public comment before issuing or revoking a regulation. However, the APA provides at 5 U.S.C. 553(b)(B) that the requirement for a notice of proposed rulemaking is not applicable when the agency finds for good cause that notice of proposed rulemaking and public participation are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and public participation are unnecessary. As noted, labeling under 16 CFR 1512.19(d) and 1512.50 was required only for bicycles introduced into commerce from May 11, 1976, to May 11, 1978. The rules being revoked have no effect on the rights or duties of any persons who manufacture, sell, or purchase bicycles at this time. Providing notice of proposed rulemaking and opportunity for submission of written comments on the proposal would be a meaningless procedure in this case.

The APA also requires at 5 U.S.C. 553(d) that a substantive rule must be published at least 30 days before its effective date unless the agency finds for good cause that such delay is not needed. Again, no bicycles offered for sale now or in the future are or will be subject to the rules being revoked. Therefore, the Commission finds for good cause that a delayed effective date is unnecessary, and this revocation shall become effective immediately.

D. Conclusion

Therefore, under the authority of section 553 of the Administrative Procedure Act and sections 2 and 3 of the Federal Hazardous Substances Act, the Commission hereby amends title 16 of the Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 to read as follows:

PART 1512—[AMENDED]

1. The authority for Part 1512 continues to read as follows:

Authority: Sec. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, as amended, 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

§ 1512.19 [Removed and Reserved]

§ 1512.50 [Removed and Reserved]

2. Sections 1512.19(d) and 1512.50 are removed and reserved effective December 8, 1995.

Dated: December 4, 1995.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 95-29898 Filed 12-7-95; 8:45 am]

BILLING CODE 6355-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA21-1-5883a; A-1-FRL-5342-1]

Approval and Promulgation of Air Quality Plans; Virginia; Withdrawal of Final Rule Pertaining to VOC RACT Requirements

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: On September 27, 1995, EPA published approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia (60 FR 49767) pertaining to amendments to Virginia's major source volatile organic compound (VOC) reasonably available control technology (RACT) requirements, applicable in the Richmond ozone nonattainment area and the Virginia portion of the Washington, DC ozone nonattainment area. This action was published without prior proposal because EPA anticipated no adverse comments. Because EPA received adverse comments on this action, EPA is removing the amendments made by the September 27, 1995 final rule pertaining to VOC RACT requirements in Virginia.

EFFECTIVE DATE: November 27, 1995.

FOR FURTHER INFORMATION CONTACT:
Maria A. Pino, (215) 597-9337.

SUPPLEMENTARY INFORMATION: On September 27, 1995, EPA published approval of a SIP revision pertained to amendments to Virginia's major source VOC RACT requirements (60 FR 49767). The intended effect of this action was to approve the submitted amendments to Virginia's major source VOC RACT requirements because they strengthen Virginia's SIP. EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the Federal Register with a provision for a 30 day comment period (60 FR 49767).

A proposed rule pertaining to the same amendments to Virginia's VOC RACT requirements was also published in the Federal Register on September 27, 1995 (60 FR 49813). EPA announced that the 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 49767). The final action would be withdrawn by publishing a document announcing withdrawal of the final rulemaking action. EPA received adverse comment within the prescribed comment period. Therefore, EPA is removing the amendments made by the September 27, 1995 final rulemaking action. 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, Ozone.

Dated: November 3, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

For the reasons set out in the preamble, 40 CFR Part 52 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 VV—Virginia

§ 52.2420 [Amended]

2. Section 52.2420 is amended by removing paragraph (c)(106).

[FR Doc. 95-29927 Filed 12-07-95; 8:45 am]

BILLING CODE 6560-50-P