

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]

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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:
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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]

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