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

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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:** 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

**40 CFR Part 63**

**[FRL–5343–5]**

## National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of partial stay and reconsideration.

**SUMMARY:** Today's action provided in this document announces a partial 3-month stay of the December 14, 1995 compliance date for certain provisions of the December 14, 1994 ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)''. The December 14, 1995 compliance date for leak detection and repair provisions and initial notifications is stayed for existing facilities until March 7, 1996. The EPA is issuing this stay pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which provides the Administrator authority to stay the effectiveness of a rule during reconsideration.

**EFFECTIVE DATE:** December 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Shedd at (919) 541–5397, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:**

I. Background

On December 14, 1994 (59 FR 64303), the Environmental Protection Agency (EPA) promulgated in the Federal Register a rule, ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)'' (the ''Gasoline Distribution NESHAP''). The Gasoline Distribution NESHAP regulates all hazardous air pollutants emitted from new and existing bulk gasoline terminals and pipeline breakout stations that are major sources of HAP emissions or are located at sites that are major sources of HAP emissions. Among the promulgated requirements for existing sources under this rule are the requirements that existing sources institute an equipment leak program and provide an initial notification of regulatory status and use of a screening equation before December 15, 1995 (40 CFR 63.424(e) and 40 CFR 63.428(a), (i)(1), and (j)(1)).

Whether a bulk gasoline terminal or pipeline breakout station is a major source or at a site that is a major source is determined by a site's ''potential to emit considering controls.'' CAA 112(a), 42 U.S.C. 7412(a). In the Gasoline Distribution NESHAP, the EPA promulgated two mechanisms for determining major source status that are specific to this rule: first, the NESHAP included equations for determining potential emissions from terminals and breakout stations based on the HAP content of gasoline, gasoline throughput, and emission rates from equipment used to handle gasoline; and second, the NESHAP allowed for case-by-case review or ''emissions inventory'' of a site's emissions. 40 CFR § 63.420. The equations could be used only by bulk terminals and pipeline breakout stations that were at sites that had no other sources of HAPs. Other facilities would be able to establish potential to emit either by an emissions inventory or by using other means (outside the rule) that are generally available to sources under Subpart A of part 63, the General Provisions, and related guidance.

The American Petroleum Institute (API) submitted to the EPA a petition for reconsideration (API Petition) of provisions of the Gasoline Distribution NESHAP affecting how bulk gasoline terminals and pipeline breakout stations may establish ''area source'' status (i.e., non-major source status), including the timing and method of obtaining potential to emit limits. Several developments since the promulgation of the Gasoline Distribution NESHAP have led the EPA to stay this compliance date to respond to the petition for reconsideration. In particular, as discussed in the Federal Register notice (60 FR 56133, November 7, 1995) proposing amendments of the compliance dates for the initial notification and the equipment leak detection provisions of the NESHAP, new information indicates that many sources that were assumed to be area sources may be unable to use the mechanisms for establishing area source status under the rule. The EPA is currently reconsidering certain provisions in the Gasoline Distribution NESHAP by collecting and considering comments on the November 7, 1995 proposal. The EPA plans to take final action on the proposed rule prior to the end of the stay announced in today's notice. The information being considered during this reconsideration of the Gasoline Distribution NESHAP is contained in Docket No. A–92–38 (See 40 FR 56133).

When the EPA promulgated the Gasoline Distribution NESHAP, the EPA anticipated that about 75 percent of all gasoline bulk terminals and pipeline breakout stations would be able to establish area source status before the first compliance date of this rule. Therefore, today's stay will apply to all existing sources.

II. Issuance of Stay

The EPA hereby issues a 3-month (from today's date) administrative stay of the December 14, 1995 compliance date (40 CFR 63.424(e) and 40 CFR 63.428(a), (i)(1), and (j)(1)) in the Gasoline Distribution NESHAP. The December 14, 1995 compliance date is stayed to until March 7, 1996. The EPA is reconsidering the compliance date in the rule and, following notice and comment procedures under section 307(d) of the Clean Air Act, will take appropriate action.

III. Authority for Stay and Reconsideration

The administrative stay and reconsideration of the Gasoline Distribution NESHAP and its associated compliance periods announced in this notice are being undertaken pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. 7607(d)(7)(B). That provision authorizes the Administrator to stay the effectiveness of a rule for 3-months to consider a request for reconsideration. Reconsideration is appropriate if the grounds for an objection arose after the period for public comment and if the objection is of central relevance to the outcome of the rule. The grounds for reconsideration of this rule arose after the public comment period. The timing of when potential to emit limits have to be in place, the types of acceptable methods for limiting potential to emit, and the scope of the emissions equations only became apparent subsequent to the comment period on the rule. Therefore, EPA is staying the effectiveness of the rule for 3 months in order to allow time to reconsider this issue.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact of a substantial number of small business entities.

Dated: November 27, 1995.

Carol M. Browner,

*Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 63, subpart R, is amended as follows:

## PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. Section 63.420 is amended by adding paragraph (j) to read as follows:

**§ 63.420 Applicability.**

* * * * *

(j) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the December 14, 1995 compliance date for existing facilities in § 63.424(e) and § 63.428(a), (i)(1), and (j)(1) of this subpart is stayed from December 8, 1995, to March 7, 1996.

[FR Doc. 95–29992 Filed 12–7–95; 8:45 am]

BILLING CODE 6560–50–M

## 40 CFR Part 70

**[AD–FRL–5343–3]**

## Clean Air Act Final Interim Approval of Operating Permits Program; Washington

**AGENCY:** U.S. Environmental Protection Agency (EPA).

**ACTION:** Final interim approval and notice of correction.

**SUMMARY:** EPA is repromulgating final interim approval of one element of the State of Washington's title V air operating permits program. On November 9, 1994, EPA granted interim approval to Washington's operating permits program. 59 FR 55813 (November 9, 1994). One of the bases for granting Washington's program interim rather than full approval was that EPA determined that Washington's exemption for ''insignificant emission units'' exceeded the exemption authorized for such units under the Clean Air Act. A coalition of industries filed a petition for review of EPA's decision to condition full approval on changes to Washington's treatment of insignificant emission units. Upon EPA's request for a voluntary remand, the Court remanded this interim approval issue to EPA for reconsideration. EPA continues to believe that Washington has impermissibly expanded the exemption for insignificant emission units and therefore again conditions full approval of the Washington operating permits program on changes to Washington's treatment of insignificant emission units.

EPA is also approving a change to the jurisdiction of the Benton County Clean Air Authority.

Finally, EPA is correcting the date for expiration of the interim approval and the due date of the required submission addressing the interim approval issues.

**EFFECTIVE DATE:** January 8, 1996.

**ADDRESSES:** Copies of Washington's submittal and other supporting information used in developing this action are available for inspection during normal business hours at the address indicated.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Waddell, 1200 Sixth Avenue, Seattle, Washington 98101.

**SUPPLEMENTARY INFORMATION:**

I. Background and Purpose

*A. Introduction*

As required under title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

*B. Previous Action on Washington's Program*

Washington submitted its operating permits program to EPA in November 1993. In November 1994, EPA granted interim approval to Washington's program and conditioned full approval on, among other things, revisions to Washington's regulations pertaining to the treatment of insignificant emission units (IEUs).[1] *See* 59 FR 55813 (November 9, 1994). On January 9, 1995, the Western States Petroleum Association, Northwest Pulp & Paper Association, Aluminum Company of America, Columbia Aluminum Corporation, Intalco Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Vanalco Inc. (collectively, ''Petitioners'') filed a petition with the United States Court of Appeals for the Ninth Circuit seeking review of the conditions in EPA's final interim approval of Washington's operating permits program. *Western States Petroleum Association, et al.* v. *EPA, et al.*, No. 95–70034 (9th Cir., Jan. 6, 1995). In their petition and subsequent brief, Petitioners claimed that EPA had exceeded its authority in requiring Washington to revise its IEU rules as a condition of full approval and that this condition was arbitrary, capricious, an abuse of discretion, and not otherwise in accordance with the law. Petitioners' brief clarified that Petitioners were challenging only EPA's requirement that Washington revise its IEU rules to obtain full approval and did not challenge any of the four other conditions for full approval. The State of Washington filed a brief as intervenor in the matter.

In reviewing the issue, EPA determined that the Petitioners and the State of Washington had raised a substantial question concerning EPA's interpretation of the IEU provisions of part 70 and the specific regulatory revisions EPA had ordered the State to make to its IEU rules as a condition of full approval. EPA therefore moved the Court on May 23, 1995, to vacate and remand to EPA those portions of EPA's final interim approval of Washington's operating permits program concerning IEUs. The Court granted EPA's motion on July 7, 1995.

Following the Court's order, EPA again reviewed the part 70 regulations and Washington's IEU provisions and, on September 28, 1995, again proposed interim approval of the State's program (60 FR 50166). EPA explained in the proposal that EPA continued to believe that Washington's IEU provisions did not comport with the requirements of part 70 with respect to permit content because the State's regulations expressly excluded IEUs subject to generally applicable requirements of the Washington State Implementation Plan (SIP) from all the requirements of 40 CFR 70.6, except for the requirement to include in the permit all applicable requirements. EPA also expressed its concern that the State's definition of

[1] For the purpose of this action, ''IEU'' refers to activities and emission units that are defined as insignificant under WAC 173–401–200(16) and 173–401–530, when used in discussing Washington's program, and refers to the generic concept under part 70, when used in discussing the requirements of part 70.