Dated: September 26, 1994.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 94–25073 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[FL09049091095818a; FRL095067092]

Approval and Promulgation of Implementation Plans State: Approval of Revisions to Florida Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP). These revisions were submitted to EPA through the Florida Department of Environmental Protection (FDEP) on January 8, 1993. The revisions correct minor deficiencies in the Motor Vehicle Inspection Program (MVIP) and revise the air quality classifications to coincide with the 1990 Clean Air Act Amendments in Florida's SIP. This plan has been submitted by the FDEP as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon dioxide, and nitrogen dioxide. These regulations meet all of the requirements and therefore EPA is approving the SIP revisions.

DATES: This direct final rule will be effective December 12, 1994, unless adverse or critical comments are received by November 10, 1994. If the effective date is delayed, timely notice will be published in the **Federal Register**

ADDRESSES: Written comments should be addressed to: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399092400.

FOR FURTHER INFORMATION CONTACT: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

The telephone number is 404/347092864. Reference file FL0491095818.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was based on the ambient air quality data obtained in the three year period 1987091989. The Jacksonville area (Duval County) was classified as transitional because it did not have any ozone violations; the Tampa/St. Petersburg (Hillsborough and Pinellas counties) area was classified as a marginal ozone nonattainment area, and the South Florida (Broward, Palm Beach, and Dade counties) area was classified as a moderate ozone nonattainment area. The CAA delineates the SIP requirements for ozone nonattainment areas based on their classifications in section 182.

On January 8, 1993, Florida through the FDEP submitted a revision to the Florida SIP that made minor corrections to the emissions testing program and revised the air quality classifications to coincide with the CAA. The revisions address requirements of section 182 of the CAA.

Rule 1709242, Motor Vehicles Emissions Standards and Test Procedures

The regulation for this rule was originally approved March 3, 1992 (57 FR 7550). The revisions to this rule address several minor problems which have arisen during the first years of operation of the MVIP. Specifically, definitions have been changed to correct some ambiguity in testing requirements, and the pass/fail criteria for emissions testing are amended to test based on vehicle weight only instead of vehicle body type. The latter change was made to make the testing criteria consistent with the vehicle registration databases. The regulation also shortens the equipment calibration requirement time frame from 7 days to 72 hours and establishes specific training requirements for vehicle emissions inspectors. The Florida I/M regulation meets all of the pre-enactment guidance as required by section 182(a)(2)(b) of the CAA.

Rule 1709275, Air Quality Areas

These changes coincide with the 1990 Clean Air Act Amendments definition for nonattainment areas. The rule specifies current ozone nonattainment areas and outlines redesignation procedures. These changes reaffirm EPA's promulgation of designations and classifications for areas of the country with respect to the NAAQS for ozone, CO, PM0910 and lead in accordance with the requirements of the CAA (56 FR 56694, November 16, 1991).

Final Action

The EPA is publishing this action 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 is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 12, 1994, unless by November 11, 1994, 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 document 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 this action will be effective December 12, 1994.

The Agency has reviewed this request for revision of the federally-approved state implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality

of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214092225), as revised by an October 4, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state 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.

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 populations of less than 50,000.

SIP approvals under section 110 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, 2560966 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 22, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, 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. 7401097671q.

Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(84) to read as follows:

§1A52.520 Identification of plan.

* * * * *

(c) ***

(84) Revisions to Florida Administrative Code Chapters 1709242 and 1709275 which were effective February 2, 1993.

(i) Incorporation by reference.

(A) Revisions to Florida Administrative Code 1709242 and 1709275 which were effective February 2, 1993.17.242.200(2), (16), (22), (250926), (29), (31); 17.242.400(2093), (4)(a), (4)(b), (5) introductory text and (5)(a);1709242.500(1)(a-b), (3)(b)1.; 1709242.600(2), (3) introductory text, (3)(a)1., (3)(a)7., (3)(c), (5)(d); 1709242.700 (4) introductory text, (4)(a), (4)(c-d), (5); 1709242.800(1), 1709242.900(1)(b), (2), (3)(c), (4); 1709275.100; 1709275.200 introductory text, (15), (170918); 275.300(1)(c), (3) introductory text,(3)(a), (3)(b)introductory text, (3) introductory text, (3)(b) introductory text, (3)(b)2. introductory text, (3)(b)2.b.-c., (3)(b)3. introductory text, (3)(b)3.a.; 17.275.400(2095); 1709275.410(1093),(6); 1709275.420(1);1709275.600(1),(2) introductory text, (2)(b-c)

(ii) Other material. None.

* * * * *

[FR Doc. 94–25075 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 60

[AD–FRL–5087–5]

RIN 2060–AF14

Standards of Performance for New Stationary Sources: Automobile and Light-Duty Truck Surface Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On July 29, 1982, a revision to the new source performance standard (NSPS) for automobile and light-duty truck prime coat operations was proposed. Analysis of data submitted after this proposal showed that the best demonstrated prime coating system and prime coat materials could not consistently meet the proposed revised standard. This revised final NSPS is consistent with the performance of the best demonstrated prime coating system and prime coat materials. This revision of the standard does not reflect a change in the basis of the standard, but reflects a better understanding of the performance of the prime coating system and prime coat materials upon which the standard was originally based. The intended effect of this NSPS is to require all new, modified, and reconstructed prime coat operations at automobile and light-duty truck assembly plants to use the best demonstrated system of continuous emission reduction considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 11, 1994.

Under section 307(b)(1) of the Clean Air Act (Act), judicial review of this revision of a NSPS is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the ACT, the requirements that are the subject of today's rule may not be challenged later in civil or criminal proceedings to enforce these requirements.

ADDRESSES: Docket. Docket number A–82–10, containing supporting information used in developing the revised standard, is available for public inspection and copying between 9 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall,

401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. David Salman, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0859.

SUPPLEMENTARY INFORMATION:

The Revised Standard

The revised standard limits emissions from electrodeposition (EDP) prime coat operations as follows:

1. For R_T greater than or equal to 0.160, the emission limit is 0.17 kg VOC per liter of applied coating solids.

2. For R_T greater than or equal to 0.040 and less than 0.160, the emission limit is $0.17 \times 350^{(0.160-R_T)}$ kg of VOC per liter of applied coating solids.

3. For R_T less than 0.040, no emission limit applies. R_T is the solids turnover ratio. This is the ratio of the volume of coating solids added to an EDP system during a calendar month divided by the total volume capacity of the EDP system.

Prime coat systems other than EDP systems would be required to comply with a single numerical emission limit of 0.17 kg VOC per liter of applied coating solids.

This revision is not a relaxation of the original prime coat standard since it does not reflect a change in the technological basis upon which the original standard was based. It does reflect a better understanding of the operation and performance of this technology based on an analysis of additional data which were not available at the time the standard was originally developed. Consequently, this revision does not result in any environmental, energy, cost, or economic impacts.

Information collection requirements contained in this regulation (60.393) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2060–0034.

I. Background

On October 5, 1979, pursuant to Section 111 of the Act, standards of performance to limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed automobile and light-duty truck surface coating operations were proposed (44 FR 57792). Final standards limiting VOC emissions from prime coat operations to 0.16 kg VOC per liter of applied coating solids were promulgated in the **Federal Register** on December 24, 1980 (45 FR 85410).

On February 19, 1981, General Motors Corporation (GM) petitioned the Administrator to convene a proceeding under section 307(d)(7)(B) of the Act to reconsider the prime coat standard. The basis for the petition was new data, which had become available following promulgation of the standard, on the performance of the technology which served as the basis for this standard. The basis for the standard promulgated on December 24, 1980, was cathodic EDP prime coat systems which use low-VOC content waterborne materials. An EDP system consists of a large tank filled with coating material. Metal parts are submerged in the tank and a voltage is applied to help deposit the coating solids onto the parts. The low-VOC content cathodic EDP technology was quite new at the time of promulgation; and data on only one system, which had operated for less than 1 year, were available. Following receipt of GM's petition for reconsideration, data and information on the performance of this technology were solicited from GM, Ford Motor Company (FMC), American Motors Corporation (AMC), Volkswagen Corporation (VW), Chrysler Corporation, Nissan, Honda, Inmont, and Pittsburgh Plate Glass Corporation (PPG). Analysis of the additional data received confirmed that the promulgated standard did not accurately reflect the performance of cathodic EDP prime coat systems. Consequently, a revised standard of 0.17 kg VOC per liter of applied coating solids (6-month average using the best 6 months out of a 7-month period) was proposed on July 29, 1982.

A public hearing was not requested. The official public comment period closed on September 27, 1982.

II. Comments and Changes to the Standard

Six comments were received on the proposed revised standard. Three were from automobile manufacturers, one from a coating manufacturer, one from an industry trade association, and one from a State regional control agency. A significant amount of additional data on the performance of EDP prime coating systems was included with these comments. These data covered the performance of 37 cathodic EDP prime coating systems using 10 different low-VOC content prime coating materials over approximately 3,000 weeks of operation.

Several commenters stated that the additional data included with their comments demonstrated that cathodic EDP prime coating systems could not continuously meet the proposed revised emission limit. In addition, several commenters suggested that flow control additive (FCA) added to the EDP prime coat system to maintain good flow characteristics during periods when the system is not coating vehicles should be excluded from the emission calculations. The commenters felt that the addition of FCA during production downtime was not representative of normal operation and, if not accommodated in some manner, would cause unavoidable violations of the emission limit. The commenters argued that since the standard is expressed in terms of kg of VOC per liter of applied coating solids, at times of near-zero use (i.e., essentially no solids applied), even small evaporative losses result in the standard being exceeded by a wide margin.

All of the data and information that were available, including the new data and information received during the comment period, were reanalyzed. The cathodic EDP prime coat materials used by FMC, GM, AMC, and VW were very similar. The sole suppliers were PPG, Inmont Corporation, and FMC. The coating materials consist of three components: resin, pigment, and FCA. Table 1 presents the solids, solvent, and water composition of these three components for a representative coating.

TABLE 1.—REPRESENTATIVE COATING MATERIAL FORMULATION

[Percent by volume]

Formulation	Solids content	VOC content	Water content
Resin	32.4	2.9	64.7
Pigment	33.0	13.3	53.7
Flow control additive	4.3	95.4	0.3

Each of these components may be added separately to the EDP prime coating tank. The solvent contained in these components leaves the EDP tank either by transport on the surface of the automobile body or by evaporation from the liquid surface of the tank. Upon leaving the EDP tank, the solvent clinging to the automobile body evaporates. All of the solvent added to the EDP tank is ultimately released to the atmosphere. The VOC emissions released to the atmosphere per unit of solids applied to the automobile body may, therefore, be determined directly by measuring the amount of VOC and solids added to the EDP tank because additions are made to the tank to keep the coating material in a near steady-state condition.

The ratio of resin to pigment added to the EDP tank is recommended by the coating manufacturers and can vary with R_T. The FCA is added as needed to provide the desired coating properties and finish quality and to maintain the coating material in a near steady-state condition. Because of the high-solvent content of the FCA (95 percent by volume) and the variable ratio (compared to resin and pigment) with which it is added to the EDP system, this component is of overriding importance in determining emissions from the EDP system.

All of the data were verified as being representative of good operation. Two potential sources of variation were differences in the operation and maintenance of EDP tanks from plant to plant and differences among prime coat materials. Variations in performance due to these two factors were analyzed and were not found to be statistically significant. Based on this analysis, the coating material, coating equipment, and operation and maintenance for all of the data obtained were determined to represent best demonstrated technology. Therefore, all of the data were used in establishing the revised emission limit.

All companies submitting data were able to provide data on a weekly basis. Averaging periods of 4 weeks, 8 weeks, 12 weeks, 24 weeks, and the best 24 out of 28 weeks (6 out of 7 months) were employed to examine the performance of EDP systems including and excluding periods when the paint line was shut down, i.e., downtime. This analysis revealed that the exclusion of periods of downtime slightly reduced the variability in VOC emissions. Even with downtime excluded, however, the proposed revised standard was not met consistently.

In addition to periods of downtime, periods of low production also appeared to adversely affect performance. The relative usage of an EDP system over any time period can be measured by either comparing the amount of new coating material or new coating solids added to the total capacity of the system. The volume of coating solids added gives a better indication of usage because it is a measure of production, i.e., the number of vehicles coated. This is because, regardless of the coating material used, the same volume of coating solids must be deposited to coat a particular part to a specified film thickness. The other major constituents of the EDP, coating material, VOC and water, do not become part of the final dry coating and can evaporate from the tank during periods of downtime. Therefore, using the volume of new coating material added would not give a consistent measure of usage for systems that use coating materials which contain varying amounts of solids, VOC, and water.

The total volume of coating solids added to the EDP tank divided by the total volume of the entire EDP system was found to correlate well with VOC emissions. This ratio has been termed the solids turnover ratio (R_T). The relationship between R_T and VOC emissions for 4-week periods is shown in Table 2.

As seen in Table 2, VOC emissions, in terms of kilograms per liter of solids deposited, decrease as R_T increases. At R_T's above 0.160, emissions are below 0.17 kg of VOC per liter of applied coating solids. Sources which operate at R_T's of less than 0.160, however, cannot consistently meet an emission limit of 0.17 kg of VOC per liter of applied coating solids. Further analysis of the data used to generate Table 2 indicates that for R_T between 0.040 and 0.160, VOC emissions are related to R_T by the following equation: $0.17 \times 350^{(0.160-R_T)}$ kg of VOC per liter of applied coating solids.

TABLE 2.—SOLIDS TURNOVER RATIO VERSUS EDP PRIME COAT SYSTEM PERFORMANCE FOR 4-WEEK PERIODS

Solids turnover ratio (R_T)	VOC emissions [1]	Number of observations	Cumulative percent of data
$R_T < 0.040$	[0.17–19.0]	796	40
$0.040 \leq R_T < 0.060$	0.33	496	49
$0.060 \leq R_T < 0.080$	0.29	334	62
$0.080 \leq R_T < 0.100$	0.23	360	76
$0.100 \leq R_T < 0.120$	0.23	305	88
$0.120 \leq R_T < 0.140$	0.19	175	95
$0.140 \leq R_T < 0.160$	0.19	64	97
$0.160 \leq R_T$	0.17	70	100
Totals	.....	2,602	.....

[1] VOC emission level in kilograms of VOC per liter of coating solids deposited which was exceeded by no more than 1 percent of the data at each turnover level.

The R_T's of less than 0.040 represent periods of zero or abnormally low production. These low-operating levels occurred more frequently than normal during the period in which the data in Table 2 were generated because of the depressed operating level of the industry at that time. Operation at R_T's below 0.040 results in widely varying VOC emissions in terms of kg VOC per liter of applied coating solids. Under these low-operating conditions, emissions expressed in units of the standard range from 0.17 kg of VOC per liter of applied coating solids to over 19 kg of VOC per liter of applied coating solids. Since operation with R_T's below 0.040 result in widely varying emissions even when EDP prime coat systems are operated and maintained properly, it is infeasible to establish a standard for these low-operating levels that distinguishes between proper and improper operation regarding emissions of VOC. In addition, since the number of vehicles produced during 4-week periods with R_T's less than 0.040 is small, the total VOC emissions from the EDP tank during such periods of operation are only a fraction of the emissions emitted when the EDP tank is operating properly at full production. Consequently, the revised standard includes no emission limit for operation at R_T's of 0.040 or less.

The emission limits discussed above, therefore, were selected for the final revised standard. If there is little or no production, almost no solids would be added to the EDP system, the R_T would always be below 0.040, and the owner would not have to comply with an emission limit. Prime coat systems other than EDP would be required to comply with a single numerical emission limit of 0.17 kg of VOC per liter of applied coating solids.

One commenter suggested that the revised prime coat emission limit be based on the performance of the single EDP system with the best observed performance. As mentioned earlier, however, the statistical analysis performed on 37 EDP prime coating systems showed that there was no statistically significant difference in the observed performance of any of the EDP systems. Consequently, all of the data on all of the EDP systems were used to develop the final revised emission limits.

One commenter suggested that the units of the prime coat standard be changed from kilograms of VOC per liter of applied coating solids to kilograms of VOC per liter of coating minus water. The commenter indicated that this change would make the prime coat standard units consistent with most State emission limits for existing facilities. Such a change would have the effect of deleting the requirement that a transfer efficiency be used in determining compliance with the emission limit. For an EDP system, the system upon which the standard is based, the transfer efficiency that is allowed to be used for determining compliance is 100 percent. Therefore, for an EDP system, such a change would have little effect on the allowable or actual emissions. However, if prime coat application systems other than EDP which have transfer efficiencies of less than 100 percent are used, then the suggested changes in the units of the standard could result in allowing increased actual VOC emissions while still apparently meeting the emission limit. Since there is a possibility that systems other than EDP will be used in the future and a format of kg of VOC per liter of applied coating solids is most consistent with the use of the solids turnover ratio, the units of the standard were not changed.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 605(b), is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; therefore, no additional costs would be imposed.

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the 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 obligations or 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 a "significant regulatory action" within the meaning of the Executive Order. For this reason, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

Information collection requirements contained in this regulation (60.393) have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2060–0034.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Motor vehicles, Volatile organic compounds.

Dated: September 30, 1994.

Carol M. Browner,

Administrator.

40 CFR part 60 is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: Sections 101, 111, 114, 116, and 301 of the Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. Section 60.391 is amended by adding definitions in alphabetical order to paragraphs (a) and (b) to read as follows:

§ 60.391 Definitions.

* * * * *

(a) * * *

Solids Turnover Ratio (R_T) means the ratio of total volume of coating solids that is added to the EDP system in a calendar month divided by the total volume design capacity of the EDP system.

* * * * *

Volume Design Capacity of EDP System (LE) means the total liquid volume that is contained in the EDP system (tank, pumps, recirculating lines, filters, etc.) at its designed liquid operating level.

* * * * *

(b) * * *

LE = the total volume of the EDP system (liters),

* * * * *

3. Section 60.392 is amended by revising paragraph (a) to read as follows:

§ 60.392 Standards for volatile organic compounds.

* * * * *

(a) Prime Coat Operation

(1) For each EDP prime coat operation:

(i) 0.17 kilogram of VOC per liter of applied coating solids when R_T is 0.16 or greater.

(ii) 0.17 x 350 ($^{0.160-R_T}$) kg of VOC per liter of applied coating solids when R_T is greater than or equal to 0.040 and less than 0.160.

(iii) When R_T is less than 0.040, there is no emission limit.

(2) For each nonelectrodeposition prime coat operation: 0.17 kilogram of VOC per liter of applied coating solids.

* * * * *

4. Section 60.393 is amended by adding paragraph (c)(1)(i)(E) to read as follows:

§ 60.393 Performance test and compliance provisions.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(E) For each EDP prime coat operation, calculate the turnover ratio (R_T) by the following equation:

$$R_T = \frac{L_S}{L_E}, \text{ truncated after 3 decimal places.}$$

Then calculate or select the appropriate limit according to § 60.392(a).

* * * * *

[FR Doc. 94–25066 Filed 10–7–94; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. This amendment establishes Barbour County, Alabama, as a new office for filing applications or complaints.

DATES: This rule is effective October 11, 1994. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before November 10, 1994.

ADDRESSES: Send or deliver comments to Stephanie J. Peters, Attorney, Office of Personnel Management, Room 7350, 1900 E Street NW., Washington, DC. 20415.

FOR FURTHER INFORMATION CONTACT: Stephanie J. Peters, (202) 606–1920.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Barbour County as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. She determined on October 6, 1994, that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal Observers to observe local elections.

Under § 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OMP's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and location within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under § 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting Rights.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending 45 CFR Part 801 as follows:

PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for Part 801 continues to read as follows:

Authority: 5 U.S.C. § 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. §§ 1973e, 1973g).

2. Appendix A to Part 801 is amended by adding alphabetically Barbour County of Alabama to read as follows:

§ 801.202 Time and place for filing and forms of application.

APPENDIX A TO PART 801

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Alabama

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Barbour; Holiday Inn, Room 101, Barbour St. at Riverside Drive, Eufaula, Alabama, 36027, (205) 687–7903.

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[FR Doc. 94–25260 Filed 10–7–94; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 931100–4043; I.D. 100594A]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of Greenland turbot in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area

(BSAI). NMFS is requiring that catches of Greenland turbot in the AI be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Greenland turbot total allowable catch (TAC) in the AI has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), October 5, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Michael L. Sloan, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Greenland turbot TAC for the AI was established by the final 1994 initial specifications of groundfish (59 FR 7656, February 16, 1994) and subsequent apportionment of reserve (59 FR 21673, April 26, 1994) as 2,333 metric tons.

The Director, Alaska Region, NMFS, has determined in accordance with § 675.20(a)(9), that the Greenland turbot TAC in the AI subarea has been reached. Therefore, NMFS is requiring that further catches of Greenland turbot in the AI be treated as prohibited species in accordance with § 675.20(c)(3), effective from 12 noon, A.l.t., October 5, 1994, until 12 midnight, A.l.t., December 31, 1994.

Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 5, 1994.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–25054 Filed 10–5–94; 1:45 pm]

BILLING CODE 3510–22–F

50 CFR Part 678

[Docket No. 920409–3047; I.D. 082294C]

Atlantic Shark Fisheries; Large Coastal Sharks

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rescission of closure.

SUMMARY: NMFS rescinds the closure of the fishery for large coastal sharks conducted in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. This action is necessary because new information indicates that the second semiannual quota for large coastal sharks has not been taken.

EFFECTIVE DATE: The closure is rescinded effective October 4, 1994.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, 301–713–2347; Michael Justen, 813–570–5305; or Kevin B. Foster, 508–281–9260.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed by the Secretary of Commerce according to the Fishery Management Plan (FMP) for Atlantic Sharks under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.23(b) of the regulations provides for two semiannual quotas of large coastal sharks to be harvested in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, by commercial fishermen. The second semiannual quota is available for harvest from July 1 through December 31, 1994.

The Assistant Administrator for Fisheries, NOAA, (AA) had determined, based on the best available data on reported catch and projections of future landings, that the semiannual quota for large coastal sharks in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, for the period July 1 through December 31, 1994, would be attained by October 10, 1994. Therefore, a closure document was published in the **Federal Register** on August 30, 1994 (59 FR 44644), to take effect October 10, 1994.

Upon further analysis of the landings data, including new information that became available since announcement of the closure date, the AA has determined that a portion of the quota for the large coastal shark fishery remains unharvested. Therefore, the closure date of October 11, 1994, is rescinded effective October 4, 1994, in order to allow an opportunity for shark fishermen to take their full allocation. If the AA determines that the catch will equal the quota, a new closure date will be announced.

Classification

This action is taken under 50 CFR part 678 and is exempt from review under E.O. 12866.

Dated: October 4, 1994.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–24952 Filed 10–4–94; 4:10 pm]

BILLING CODE 3510–22–F