

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 86**

[AMS-FRL-5225-7]

RIN 2060-AC65

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic (OBD) Systems—Regulations Allowing Optional Compliance with California OBD II Requirements as Satisfying Federal OBD

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Due to one adverse comment, EPA is removing one specific provision of the recent direct final rule revising requirements associated with on-board diagnostic (OBD) systems. That direct final rule was published in the **Federal Register** on March 23, 1995 (60 FR 15242). EPA is removing only the provision concerning the acceptance of revised California OBD II as satisfying federal OBD requirements through the 1998 model year. Because that provision is being removed, the Agency intends to issue a notice of proposed rulemaking (NPRM) in the near future to reinstate the intent of allowing optional compliance with revised OBD II requirements.

EFFECTIVE DATE: June 30, 1995.

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No. A-90-35, and are available for public inspection and photocopying between 8 a.m. and 5:30 p.m. Monday through Friday. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Todd Sherwood, (313) 668-4405.

SUPPLEMENTARY INFORMATION: On March 23, 1995, EPA published a direct final rule revising requirements associated with on-board diagnostic systems. EPA believed that this direct final rule would not be controversial. In that direct final rule, EPA stated that, "If notice is received that any person or persons wish to submit adverse comments regarding some, but not all of the actions taken in this rulemaking, then EPA shall withdraw this final action and publish a proposal only with regard to the actions for which notice has been received." EPA stated that it would make such a withdrawal if adverse

comment was received by April 24, 1995.

EPA has received adverse comment from the Motor and Equipment Manufacturers Association (MEMA). This adverse comment has been placed in the public docket for viewing. The comments submitted by MEMA are adverse with regard to a revision of 40 CFR 86.094-17(j) that would allow manufacturers the option of complying with the recently revised California OBD II requirements (California Air Resources Board Mail-Out #95-03). (MEMA had initially objected to other specific provisions of the direct final rule, but MEMA withdrew these objections in a letter signed May 18, 1995.) Therefore, EPA is removing the provision of that direct final rule that pertains to optional compliance with the revised OBD II requirements of ARB Mail-Out #95-03. The language of the prior final rule published on February 19, 1993 (58 FR 9468) allowing compliance with California OBD II requirements is reinstated in § 86.094-17(j) as they existed on that date.

It is important to note that EPA's removal of this regulatory change is not based on EPA's agreement or disagreement with the adverse comment received. The removal is based solely on EPA's determination, announced in the direct final rule, that the provisions of the direct final rule would go into effect only if no persons submitted adverse comments.

EPA is removing this provision without providing prior notice and comment because it finds good cause with the meaning of 5 U.S.C. 553(b). Notice and comment would be impracticable, as EPA needs to remove this revision quickly because it went into effect May 22, 1995. Also, EPA has already informed the public it would withdraw any provision that received adverse or critical comments.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 30, 1995.

Fred Hansen,*Acting Administrator.*

For the reasons set out in the preamble, part 86 of title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

Subpart A—[Amended]

2. Section 86.094-17 is amended by revising paragraph (j) to read as follows:

§ 86.094-17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.

* * * * *

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code section 1968.1) shall satisfy the requirements of this section through the 1998 model year except that compliance with Title 13 California Code section 1968.1(d), pertaining to tampering protection, is not required to satisfy the requirements of this section.

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40 CFR Part 712

[OPPTS-82046A; FRL-4968-4]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: In the **Federal Register** of July 5, 1995, EPA issued a final rule adding certain chemical substances to two model information-gathering rules: the TSCA Section 8(a) Preliminary Assessment Information Rule (PAIR) and the TSCA Section 8(d) Health and Safety Data Reporting Rule. This document corrects two typographical errors that appeared in that final rule.

EFFECTIVE DATE: This rule is effective July 25, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.