

proposed rule was an estimate of the total nationwide emission reduction. Since this number is an overall national average, the actual reduction achieved in any particular area could vary depending on the level of control which already existed in the area. For example, in California the reduction from the national rule is zero because California's rules are more stringent than the national rule. In the proposed rule, the estimated percentage reduction for areas that were unregulated before the national rule was about 40 percent. However as a result of the lacquer topcoat exemption added between proposal and final rule, the reduction is now estimated to be 36 percent for previously unregulated areas. Thus, most previously unregulated areas will need to make up the approximately 1 percent difference between the 37 percent estimate of reductions assumed by states, following EPA guidance based on the proposal, and the 36 percent reduction actually achieved by the final rule for previously unregulated areas.

Both the District and Virginia claimed 35.7 percent credit in their attainment and ROP plans while Maryland claimed 45 percent. EPA's final estimate of the reduction potential of the final rule was spelled out in a September 19, 1996 memorandum entitled "Emissions Calculations for the Automobile Refinish Coatings Final Rule" from Mark Morris to Docket No. A-95-18. Since the District and Virginia did not claim more than the reduction provided in the final rule, there is no shortfall in the reductions claimed for this category.

Regarding the basis for approving Maryland's 45 percent reductions from the autobody refinishing rule, we incorporate by reference our responses to the comments on this issue found in response 18 of section II.X of our final rule published January 3, 2001 (*see* 66 FR at 629).

Consumer Products Rule

Consistent with a June 22, 1995 EPA guidance,³² the states claimed a 20 percent reduction from this source category based on EPA's proposed rule. The final rule, "National Volatile Organic Compound Emission Standards for Consumer Products," (63 FR 48819, September 11, 1998), has resulted in a 20 percent reduction after the December 10, 1998 compliance date. Moreover, these reductions largely occurred by the Fall of 1999. In the consumer products rule, EPA determined, and the

consumer products industry concurred, that a significant proportion of subject products have been reformulated in response to state regulations and in anticipation of the final rule (63 FR 48819). That is, industry reformulated the products covered by the consumer products rule in advance of the final rule. Therefore, EPA believes that complying products in accordance with the rule were in use by the Fall of 1999. It was appropriate for the states to take credit for a 20 percent emission reduction for the consumer products rule in their SIPs.

We also incorporate by reference our responses to the comments on these issues found in section II.J. *See* 66 FR at 614, and responses 10 to 15 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 626-628 as supplemented by the response to comment found in this final rule.

Comment 2: We received comments asserting that because the final national rules for autobody refinishing, surface coatings and consumer products allow for exemptions or variances, EPA cannot grant any emission reduction credit at all because the Clean Air Act does not allow EPA to credit state or national measures with emission reductions when emission limits are subject to waiver at any time. The comments further assert that because the tonnage exceptions and exceedance fee provisions or variance provisions in the rules are not limited to a specific tonnage figure at all the rules place no cap on the use of these provisions and thus assert in the absence of such caps, EPA cannot rationally or lawfully grant emission reduction credit for these rules.

Response 2: We incorporate by reference our responses to the comments on these issues found in section II.J. *See* 66 FR at 614 and response 10 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 626, as supplemented by the response to comment found in this final rule.

Comment 3: We received comments asserting that the proposed rulemakings used estimates from the proposed rather than the final rulemakings for autobody refinishing, consumer products, and architectural and industrial maintenance coatings as a basis for approving the States' reduction claims. The comments allege that the final rules for autobody refinishing, consumer products, and architectural and industrial maintenance coatings are weaker in a number of respects than the proposed rules for autobody refinishing, consumer products, and architectural and industrial maintenance coatings.

Response 3: As stated in response to a prior comment, while it is true that the states in many cases estimated the benefits based upon the proposed rules in some of their SIP revisions, these estimates are fully in line with the benefits that have accrued from the final rules.

We incorporate by reference our responses to the comments on these issues found in section II.J. *See* 66 FR at 614 and response 11 of section II.X of our final rule published January 3, 2001, *see* 66 FR at 626, as supplemented by the response to comment found in this final rule.

Comment 4: We received comments asserting that for the architectural and industrial maintenance (AIM) coatings rule, the limits on a number of coatings were changed between the proposal and final rule either directly, or by establishing new subcategories with higher VOC limits. The comments assert that the effects of these changes and other changes is not documented precisely how those changes justify the claimed emission reduction credit. The comments further state that EPA does not show how the effects of these were reflected in the final percentage reduction estimate EPA is allowing states to claim from the rule.

Response 4: We incorporate by reference our responses to the comments on these issues found in response 12 of section II.X of our final rule published January 3, 2001. *See* 66 FR at 627, supplemented as follows:

The basis for the 20 percent reductions achieved by the final rule is documented in the rulemaking docket for the AIM coatings final rule in a memorandum "VOC Emissions Reductions from the Final National Architectural Coatings Rule" from Chris Sarsony, ERG, to Linda Herring, U.S. EPA, dated July 27, 1998 (docket A-92-18, item number IV-B-2).

Comment 5: We received comments asserting that the estimate of emission reductions from the autobody refinishing rule does not account for establishment of a separate category for multi-colored topcoats in the final rule—a category that has weaker limits than would have applied to the same topcoats under the proposed rule. The comments further assert that EPA has no data on the usage of multi-colored topcoats—data that is required in order to rationally estimate the expected emission reductions from the rule.

Response 5: We incorporate by reference our responses to the comments on these issues found in section II.J. *See* 66 FR at 614 and response 13 of section II.X of our final rule published January 3, 2001, *see* 66

³² "Regulatory Schedule for Consumer and Commercial Products under section 183(e) of the Clean Air Act," June 22, 1995, John S. Seitz, Director OAQPS, to Air Division Directors, Regions I-X.