

M020 Packages and Bundles

1.0 BASIC STANDARDS

* * * * *

1.4 Palletization

[Amend the third sentence in 1.4 by deleting the reference to mixed BMC pallets to read as follows:]

* * * Packages and bundles on BMC pallets must be shrinkwrapped and machinable on BMC parcel sorters; machinability is determined by the USPS.* * *

* * * * *

*M040 Pallets**M041 General Standards*

* * * * *

5.0 PREPARATION

5.1 Presort

[Amend 5.1 by revising the last sentence and adding new sentences to read as follows:]

* * * For sacks, trays, or machinable parcels on pallets, the mailer must prepare all required pallet levels before any mixed ADC or mixed BMC pallets are prepared for a mailing or job. Packages and bundles prepared under M045 must not be placed on mixed ADC or mixed BMC pallets. Packages and bundles that cannot be placed on pallets must be prepared in sacks under the standards for the rate claimed.

5.2 Required Preparation

[Amend 5.2 by deleting the second and third sentences and revising the fourth sentence to read as follows:]

* * * Mixed pallets of sacks, trays, or machinable parcels must be labeled to the BMC or ADC (as appropriate) serving the post office where mailings are entered into the mailstream.* * *

* * * * *

5.6 Sacked Mail

[Amend 5.6 by revising the first sentence to read as follows:]

Mail that is not palletized (e.g., the mailer chooses not to prepare BMC pallets, or the packages do not meet the machinability standards in M020) must be prepared under the standards for the rate claimed.* * *

* * * * *

M045 Palletized Mailings

* * * * *

[Revise the heading of 2.0 to read as follows:]

2.0 PACKAGES OF FLATS

2.1 Standards

[Amend 2.1 by revising the second sentence to read as follows:]

* * * The palletized portion of a mailing may not include packages sorted to mixed ADCs, mixed BMCs, or to foreign destinations.

* * * * *

2.4 Size—Standard Mail (B)

* * * * *

[Amend 2.4c by revising the second sentence to read as follows:]

* * * Packages at other rates must be sorted to 5-digit, 3-digit, optional SCF, and ADC destinations, as appropriate.

* * * * *

3.0 OPTIONAL BUNDLES—
PERIODICALS AND STANDARD MAIL (A)

3.1 Standards

[Amend 3.1 by revising the second sentence to read as follows:]

* * * The palletized portion of a mailing may not include bundles sorted to mixed ADCs, mixed BMCs, or to foreign destinations.

* * * * *

4.0 PALLET PRESORT AND
LABELING

[Amend the heading to read as follows:]

4.1 Packages, Bundles, and Sacks

* * * * *

e. As appropriate:

[Amend the beginning of (1) by adding "(sacks and trays only)" to read as follows:]

(1) Periodicals (sacks and trays only): mixed ADC: optional; * * *

[Amend the beginning of (2) by adding "(sacks and trays only)" to read as follows:]

(2) Standard Mail (sacks and trays only): mixed BMC: optional; * * *

* * * * *

5.0 PALLETS OF PACKAGES,
BUNDLES, AND TRAYS OF LETTER-
SIZE MAIL

* * * * *

[Amend 5.3 to eliminate references to mixed BMC pallets and to insert "(trays only)" to read as follows:]

5.3 BMC and Mixed BMC Pallets

Packages and bundles placed on BMC pallets must be machinable on BMC parcel sorting equipment. Line 2 on pallet labels must reflect the processing category of the pieces. A BMC or mixed BMC (trays only) pallet may include pieces that are eligible for the DBMC rate and others that are ineligible if the mailer provides documentation showing

the pieces that qualify for the DBMC rate.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[OH 114-1a; FRL-6123-1]

**Approval and Promulgation of
Maintenance Plan Revisions; Ohio**

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) is approving through "direct final" procedure, a March 13, 1998, request from Ohio, for a State Implementation Plan (SIP) maintenance plan revision for the Columbus ozone maintenance area (Franklin, Delaware and Licking Counties). The maintenance plan revision establishes a new maintenance year of 2010 for the area and a new transportation conformity mobile source emissions budget for the year 2010. The 2010 emissions budget projections incorporate future emission reductions from area and point sources. The newly established 2010 emissions projections determine the area's safety margins for Oxides of Nitrogen (NO_x) and Volatile Organic Compounds (VOCs). Also being approved is the State's request that a portion of the safety margins be allocated to the area's 2010 mobile source emissions budget for transportation conformity purposes. The area's safety margin is defined as the difference between the attainment inventory level (the Columbus area's attainment inventory year is 1990) of the total emissions and the projected levels of the total emissions in the final year of the maintenance plan (as established for Columbus in this rule to be 2010).

DATES: This direct final rule is effective on September 8, 1998, unless EPA receives relevant adverse or critical written comments by August 10, 1998. If adverse comment is received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is informed that

this action will take effect on September 8, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Scott Hamilton at (312) 353-4775 before visiting the Region 5 office.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Scott Hamilton, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-4775.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act, in section 176(c), requires conformity of activities to an implementation plan's purpose of attaining and maintaining the National Ambient Air Quality Standards. On November 24, 1993, EPA promulgated a final rule establishing criteria and procedures for determining conformity of transportation plans, programs and projects funded or approved under Title 23 U.S.C. of the Federal Transit Act. The State of Ohio finalized and adopted State transportation conformity rules on August 1, 1995, the rules became effective August 21, 1995, and Ohio submitted the rules as a SIP revision request on August 17, 1995. The rules were approved by EPA on July 15, 1996 (61 FR 24702).

The transportation conformity rules require, among other things, a comparison to the mobile source emissions budget established by a control strategy SIP. A control strategy SIP is defined by the conformity rules

to be a maintenance plan, an attainment demonstration, or a rate of progress plan. The Columbus area is an attainment area with an approved maintenance plan. The EPA approval of the maintenance plan established the mobile source emissions budget for transportation conformity purposes.

The emissions budget concept is explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the mobile source emissions budget in the SIP and how to revise the emissions budget. The State transportation conformity rule at 3745-101-16 of the Ohio Administrative Code allows the mobile source emissions budget to be changed as long as the total level of emissions from all sources remain below the milestone level. In the case of a maintenance plan the milestone level is the attainment level established in the maintenance plan.

The maintenance plan is designed to provide for future growth while still maintaining the ozone air quality standard. Growth in industries, population and traffic is offset with reductions from cleaner cars and other emissions reduction programs. Through the maintenance plan the State and local agencies can manage and maintain air quality while providing for growth.

II. Evaluation of the State Submittal

On March 13, 1998, Ohio submitted to EPA a SIP revision request for the Columbus maintenance area. A public hearing on this proposal was held on April 15, 1998. Documentation on the public hearing was submitted on May 14, 1998 to complete the SIP revision request.

In the submittal Ohio requested to establish a new maintenance year of 2010, and new 2010 mobile source emissions budget for transportation conformity for the Columbus, Ohio maintenance area.

A. 2010 Budget Projections for Point and Area Sources

The 2010 emissions projections for point and area sources were developed

by multiplying the individual 1990-2010 population growth factors for each county in the area by the individual county 1990 baseline inventory. The population growth factors used in the point and area source projections were derived from census population forecasts from Ohio's Data Users Center. The projected emissions for each county were then added together to arrive at the total projected emissions for the point and area source sectors for the year 2010.

B. NO_x Point and Area Source Emission Changes for the 2010 Budget

In developing the area's 2010 emissions projections for NO_x, the state took credit for reductions from the point and area source sectors. Projected NO_x reductions in point sources were obtained from the shutdown of the Columbus Trashburning Power Plant (3.04 tons/day NO_x) and the installation of a pure oxygen combustion system at Techniglass Inc. (1.43 tons/day NO_x). These point sources were included in Ohio's point source emissions inventory that was submitted to EPA. The point source NO_x emission reductions were subtracted from the total projected 2010 point source emission tonnage.

Projected reductions in area sources were obtained by considering the new federal "Emission Standards for Locomotives and Locomotive Engines; Final Rule" (63 FR 18977; April 16, 1998) for new and remanufactured diesel-powered locomotives. The federal locomotive standards are expected to achieve a 41% reduction in NO_x by the year 2010. To be on the conservative side, Ohio calculated its' projected NO_x reductions from locomotives assuming 20% NO_x reductions by 2010 instead of 41% for the 2010 budget (total reduction of 16.07 tons/day NO_x from area sources). The 16.07 tons/day NO_x reduction was subtracted from the total projected 2010 area source emission tonnage.

The 2010 emission projections reflect the point and area source reductions and are illustrated in Table 1.

TABLE 1.—NO_x AND VOC EMISSIONS BUDGET; AND SAFETY MARGIN DETERMINATIONS, COLUMBUS (TONS/DAY)

Source category	1990	1996	2005	2010
VOC Emissions				
Point	16.44	17.52	19.33	20.27
Mobile (on-road)	94.73	63.36	61.38	61.72
Area	101.18	107.47	117.30	123.94
Totals	212.35	188.35	198.01	205.93

TABLE 1.—NO_x AND VOC EMISSIONS BUDGET; AND SAFETY MARGIN DETERMINATIONS, COLUMBUS (TONS/DAY)—Continued

Source category	1990	1996	2005	2010
Safety Margin = 1990 total emissions—2010 total emissions = 6.42 tons/day VOC				
NO _x Emissions				
Point	13.79	14.35	15.27	12.17
Mobile (on-road)	78.65	68.85	61.24	61.08
Area	96.68	102.62	111.82	101.99
Totals	189.12	185.82	188.33	175.24
Safety Margin = 1990 total emissions – 2010 total emissions = 13.88 tons/day NO _x				

C. Safety Margin Allocations and 2010 Mobile Source Emissions Budget

In the submittal Ohio requested to allocate to the mobile source emissions budget part of the area's safety margin. The Columbus area's safety margin is the difference between the 1990

attainment inventory year and the 2010 projected emissions inventory (6.42 tons/day VOC safety margin, and 13.88 tons/day NO_x safety margin) as shown in Table 1. The SIP revision requests the allocation of 6.27 tons/day VOC, and 9.91 tons/day NO_x, into the area's

mobile source emissions budget from the safety margin. The 2010 mobile source emissions budget showing the safety margin allocations are outlined in Table 2. The mobile source emissions budget in Table 2 will be used for transportation conformity purposes.

TABLE 2.—ALLOCATION OF SAFETY MARGIN TO THE 2010 MOBILE SOURCE EMISSIONS BUDGET, COLUMBUS (TONS/DAY)

Source category	1990	1996	2005	2010
VOC Emissions				
Point	16.44	17.52	19.33	20.27
Mobile (on-road)	94.73	63.36	61.38	67.99
Area	101.18	107.47	117.30	123.94
Totals	212.35	188.35	198.01	212.20
Remaining Safety Margin = 1990 total emissions – 2010 total emissions = 0.15 tons/day VOC				
NO _x Emissions				
Point	13.79	14.35	15.27	12.17
Mobile (on-road)	78.65	68.85	61.24	70.99
Area	96.68	102.62	111.82	101.99
Totals	189.12	185.82	188.33	185.15
Remaining Safety Margin = 1990 total emissions – 2010 total emissions = 3.97 tons/day NO _x				

Table 2 illustrates that the requested portion of the safety margins can be allocated to the 2010 mobile source budget and still remain at or below the 1990 attainment level of total emissions for the Columbus maintenance area. This allocation is allowed by the conformity rule since the area would still be at or below the 1990 attainment level for the total emissions.

III. EPA Action

After review of the SIP revision request, EPA finds that the requested allocation of the safety margin for the Columbus area is approvable since the approval of the new mobile source emissions budgets for NO_x and VOCs illustrates that the total emissions for the area will be at or below the attainment year inventory level as required by the transportation conformity regulations. Therefore, EPA is approving the requested allocation of

the safety margin to the mobile source budget for the Columbus area.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision 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 specified written adverse or critical comments be filed. This action will become effective without further notice unless the Agency receives relevant adverse written comments within 30 days from the date of publication, as indicated above. Should the Agency receive such comments, it will publish a final rule informing the public that this action did not take effect. Any parties interested in commenting on this action should do so at this time.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Executive Order 13045

The Final rule is not subject to Executive Order 13045, titled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under Executive Order 12866.

C. Future Requests

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental

factors and in relation to relevant statutory and regulatory requirements.

D. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

F. Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (sections 3745.70–3745.73 of the Ohio Revised Code). EPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the Clean Air Act, and taking appropriate action(s), if

any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio Clean Air Act program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, federal approval for the Clean Air Act program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

G. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 8, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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)).

V. List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Nitrogen oxides, Transportation conformity.

Dated: July 1, 1998.

David A. Ullrich,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the 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. 7401 et seq.

Subpart KK—Ohio

2. Section 52.1885 is amended by adding paragraph (a)(9) to read as follows:

§ 52.1885 Control Strategy: Ozone

(a) * * *

(9) Approval—On March 13, 1998, Ohio submitted a revision to the maintenance plan for the Columbus area. The revision consists of establishing a new out year for the area's emissions budget. The new out year emissions projections include reductions from point and area sources; the revision also defines new safety margins according to the difference between the areas 1990 baseline inventory and the out year projection. Additionally, the revision consists of allocating a portion of the Columbus area's safety margins to the transportation conformity mobile source emissions budget. The mobile source budgets for transportation conformity purposes for the Columbus area are now: 67.99 tons per day of volatile organic compound emissions for the year 2010 and 70.99 tons per day of oxides of nitrogen emissions for the year 2010.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[CA–008–BU, FRL–6120–4]

Designation of Areas for Air Quality Planning Purposes; State of California; Redesignation of the San Francisco Bay Area to Nonattainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to redesignate the San Francisco Bay Area (Bay Area) as a nonattainment area for the 1-hour ozone National Ambient Air Quality Standard (NAAQS). The Clean