branch, or a building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.''

Recent events, including the theft of office equipment from rooms in buildings in which Postal Service business is conducted, but not post office operations, revealed the need to expand the definition of ''burglary of post office'' to include all buildings in which Postal Service business is conducted. Therefore it is necessary to amend the CFR to reflect the revised definition.

List of Subjects in 39 CFR Part 233

Crime, Law enforcement, Postal Service.

Accordingly, 39 CFR part 233 is amended as set forth below.

PART 233—INSPECTION SERVICE/ INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App. 3.

2. In § 233.2, the note following paragraph (b)(2) is amended by republishing the introductory text and by revising the definition of ''Burglary of Post Office'' to read as follows:

§ 233.2 Circulars and rewards.

* * * * *

(b) * * *

(1) * * *

(2) * * *

Note: The text of Postal Service Poster 296, referred to in paragraph (b)(1) of this section, reads as follows:

* * * * *

Burglary of Post Office, $10,000. Breaking into, or attempting to break into, a post office, station, branch, building used wholly or partly as a post office, or any building or area in a building where the business of the Postal Service is conducted, with intent to commit a larceny or other depredation therein.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–26204 Filed 10–20–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–19–1–6934a; FRL–5310–2]

Approval and Promulgation of Implementation Plans; State of Louisiana; Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of Louisiana for the purpose of establishing a Clean Fuel Fleet Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act, as amended in 1990 (CAA), to implement a program whereby at least a certain percentage of all newly acquired vehicles of certain on-road fleets in the Baton Rouge ozone nonattainment area, beginning with model year 1998, shall be lower pollution emitting vehicles, Clean Fuel Vehicles (CFV's). The rationale for the approval is set forth in this document.

DATES: This final rule is effective on December 22, 1995, unless adverse or critical comments are received by November 22, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be submitted to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7214.

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

Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: H.D. Brown, Jr., Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7248.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act; Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The Clean Fuel Fleet Program (CFFP) is contained under part C, entitled ''Clean Fuel Vehicles,'' of title II of the CAA. Part C was added to the CAA to establish two programs: a clean-fuel vehicle pilot program in the State of California (the California Pilot Test Program) and a federal CFFP in certain ozone and carbon monoxide (CO) nonattainment areas.

The CFFP will introduce CFV's into centrally fueled fleets by requiring covered fleet operators to include a percentage of CFV's in their new fleet purchases. The goal of the CFFP is to reduce emissions of non-methane organic gasses (NMOG), oxides of nitrogen (NO_X), and CO through the introduction of CFV's into the covered areas. Both NMOG and NO_X are precursors of ozone and, in most areas, their reduction will reduce the concentration of ozone in covered ozone nonattainment areas. Reductions of vehicular CO emissions will reduce the concentration of CO in covered CO nonattainment areas.

Congress chose centrally fueled fleets because operators of these fleets have more control over obtaining fuel than the general public. Additionally, the control which operators maintain over their fleets simplifies maintenance and refueling of these vehicles. Finally, because fleet vehicles typically travel more miles on an annual basis than do non-fleet vehicles, they provide greater opportunity to improve air quality on a per vehicle basis.

Section 182(c)(4) of the CAA, 42 U.S.C. 7511a(c)(4), allows States to opt-out of the CFFP by submitting, for EPA approval, a SIP revision consisting of a substitute program resulting in as much or greater long-term emission reductions in ozone producing and toxic air emissions as the CFFP. The EPA may approve such a revision ''only if it consists exclusively of provisions other than those required under the [CAA] for the area.''

II. Program Requirements

Unless a State chooses to opt-out of the CFFP per section 182(c)(4); section 246 of the CAA, 42 U.S.C. 7586, directs a State containing covered areas to revise its SIP, within 42 months after enactment of the CAA, to establish a CFFP, whereby at least a specified percentage of all new covered fleet vehicles, beginning with model year

(MY) 1998 and thereafter, shall be CFV's and such vehicles shall use the fuel on which the CFV was certified to be a CFV (or shall use a fuel which will result in even less emissions than the fuel which was used for certification), when operating in the covered area. Louisiana did not choose to opt-out of the CFFP; rather it chose to revise its SIP to include a CFFP.

A. Covered Areas

Areas (Covered Areas) that are required to implement a CFFP are defined in section 246(a)(2) of the CAA as: any ozone nonattainment area with a 1980 population of 250,000 or more classified under section 181 of the CAA, 42 U.S.C. 7511, as Serious, Severe, or Extreme based on data for the calendar years 1987, 1988, and 1989; and any CO nonattainment area with a 1980 population of 250,000 or more and a CO design value at or above 16.0 parts per million based on data for calendar years 1988 and 1989, excluding those CO nonattainment areas in which mobile sources do not contribute significantly to CO exceedances. In Louisiana, the Baton Rouge Serious ozone nonattainment area is the only area subject to the CFFP requirements.

B. Definitions

The definition of appropriate terms in the SIP revision should correspond to the definition of the same terms as contained in sections 241(1), (2), (3), (4), (5), (6), and (7) of the CAA, 42 U.S.C. 7581, and 40 CFR 88.302–94.

C. Covered Fleets

Section 241(5) of the CAA defines a covered fleet as consisting of 10 or more on-road vehicles, which are in the vehicle classifications covered by the CFFP, and are owned or operated, leased, or otherwise controlled by a single person, the fleet operator. Both private business and government (federal, state, and local) fleets are subject to the statute. However, certain fleets and vehicles are exempt from the CFFP, including fleets with vehicles that cannot be fueled at a central location, vehicles that are normally garaged at a personal residence, vehicles held for lease or rental to the general public, vehicles held for sale by motor vehicle dealers, law enforcement and other emergency vehicles, and non-road vehicles.

D. Vehicle Classes Covered

Sections 242, 42 U.S.C. 7582, and 243, 42 U.S.C. 7583, of the CAA and 40 CFR 88 subpart C require three vehicle classes to be included in a CFFP: light-duty vehicles (LDV's), and light-duty trucks (LDT's) up to 8,500 pounds Gross Vehicle Weight Rating (GVWR), and heavy-duty vehicles (HDV's) between 8,500 and 26,000 pounds GVWR. Section 245(a) of the CAA, 42 U.S.C. 7585(a), exempts vehicles over 26,000 pounds GVWR.

E. Clean Fuel Vehicles (CFV's)

Section 241(7) of the CAA, requires that a CFV be defined as a motor vehicle in one of the vehicle classes that is certified by the EPA to meet, for any MY, one of the three sets of increasingly stringent clean fuel vehicle emission standards that apply to CFV's in that vehicle class for that MY. These standards are referred to as low-emission vehicle (LEV) standards, ultra low-emission vehicle (ULEV) standards, and zero emission vehicle (ZEV) standards. The emission standards for these vehicles are found in 40 CFR 88.104–94 and 40 CFR 88.306–94. In addition, a vehicle certified by the EPA to meet the inherently low-emission vehicle (ILEV) standard is also a CFV. Standards for the ILEV may be found in 40 CFR 88.311–93.

F. Percentage Requirements

The following table reflects the specified percentage of newly acquired fleet vehicles that are required to be CFV's pursuant to section 246(b) of the CAA:

Vehicle classification	Model year		
	1998	1999	2000
Light Duty Vehicles	30	50	70
Light Duty Trucks	30	50	70
Heavy Duty Trucks	50	50	50

G. Credit Program

Section 246(f) of the CAA and 40 CFR 88.304–94 require the SIP revision provide for the establishment of a credit program and the issuance by the State of appropriate credits to a fleet operator. Among other things, the credit program provides that, after approval of this SIP revision, a fleet operator may generate credits in any of several ways: (1) By the purchase of more CFV's than the minimum required by the CFFP, (2) by the purchase of CFV's which meet more stringent standards than the minimum required by the CFFP, (3) by the purchase of CFV's not required by the CFFP, and (4) by the purchase of CFV's before MY 1998. The credits generated may be used by a covered fleet operator to satisfy the new purchase requirements of a CFFP or may be traded by one covered fleet operator to another, provided the credits were generated and used in, and both operators are located in, the same nonattainment area. Certain restrictions on the trading of credits between classes must be observed. The credits do not depreciate with time and are to be freely traded without interference by the State.

H. Fuel Use

Section 246(b) of the CAA and 40 CFR 88.304–94(3) stipulate that the SIP revision require the fuel on which the vehicle was certified to be a CFV (or shall use a fuel which will result in even less emissions than the fuel which was used for certification) be used 100% of the time the vehicle is in the covered area.

I. Fuel Availability

Section 246(d) of the CAA requires the SIP revision shall provide that the choice of fuel for the CFV's will be made by the covered fleet operator and section 246(e) requires the SIP revision to require fuel providers to make clean alternative fuel available to the covered fleets.

J. Consultation

Section 246(a)(4) of the CAA requires the SIP revision must be developed in consultation with fleet operators, vehicle manufacturers, fuel producers and distributors of motor vehicle fuel, and other interested parties, taking into consideration operational range, specialty uses, vehicle and fuel availability, cost, safety, resale values, and other relevant factors.

K. Recordkeeping and Monitoring

The SIP revision must provide that States establish a system for recordkeeping and monitoring the CFFP and the credit program. For the CFFP this should include, at a minimum, registration of fleets, official communications from covered fleet operators to the State, quality control of program data, and unannounced audits of at least five percent of the covered fleets. In addition, in those cases where covered fleet operators choose to have vehicles with conventional petroleum back-up fuel, substantiation of the use of the required fuel in the covered area must be kept as part of the recordkeeping requirements. For the credit program, the SIP revision should provide for a formal system to issue, redeem, and/or otherwise manage credits.

L. Enforcement

The SIP revision must include provisions for enforcing the CFFP. In general, warnings and a set of penalties

or fines should be established which are proportionately related to the impacts of the violation.

M. Exemption From Transportation Control Measure (TCM) Requirements

40 CFR 88.307–94 requires States to exempt any CFV's which are required to participate in a CFFP from temporal-based (e.g., time-of-day or day-of-week) TCM's existing for air quality reasons so long as the exemption does not create a clear and direct safety hazard. This exemption does not extend to the occupancy requirements of high-occupancy vehicle (HOV) lanes. ILEV vehicles are exempt from the occupancy requirements of HOV lanes pursuant to 40 CFR 88.313–93(c). Currently, the Baton Rouge serious ozone nonattainment area has no TCM requirements.

III. Louisiana SIP Submittal

Louisiana submitted a SIP revision on May 16, 1994, that implements a CFFP. The revision meets the requirements of the CAA and the appropriate sections of 40 CFR part 88 as detailed above. The revision was adopted after reasonable public notice and public hearing as required by sections 110(a)(2) and 110(l) of the CAA, 42 U.S.C. 7410, and 40 CFR 51.102(f). The submission was reviewed and determined to be administratively complete on December 9, 1994. The submittal was then reviewed for approvability by EPA Region 6 and EPA Headquarters.

The areas affected by this program include the parishes of Ascension, Iberville, East Baton Rouge, Livingston, Point Coupee, and West Baton Rouge. These six parishes comprise the Baton Rouge ozone nonattainment area.

IV. Final Action

In this action, the EPA is approving the SIP revision submitted by the State of Louisiana for purposes of implementing a CFFP within the Baton Rouge Serious ozone nonattainment area. The EPA has reviewed this revision to the Louisiana SIP and is approving it as submitted because the State's CFFP meets the requirements of section 246 of the CAA and the appropriate sections of 40 CFR part 88.

Copies of the State's SIP revision and the Technical Support Document (TSD), detailing EPA's review of the SIP revision, are available at the address listed in the **ADDRESSES** section above. For a detailed analysis of the SIP revision, the reader is referred to the TSD.

The EPA is publishing this action without prior proposal because the Agency 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 adverse or critical comments be filed. Thus, today's direct final action will be effective December 22, 1995, unless, by November 22, 1995, 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 22, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the CAA. The EPA has determined that this action conforms with those requirements.

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 a SIP 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., the 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, the 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 that are less than 50,000.

SIP revision 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, the EPA certifies that this proposed rule would 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 actions. The CAA forbids the EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–266 (S. Ct. 1976); 42 U.S.C. section 7410(a)(2).

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany 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. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607(b), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 1995. 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Motor vehicle pollution, Nitrogen oxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 14, 1995.

A. Stanley Meiburg,

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. 7401–7671q.

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(66) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(66) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 2, Section 223 and Chapter 19, Sections 1951–1973. These revisions are for the purpose of implementing a Clean Fuel Fleet Program to satisfy the Federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Louisiana.

(i) Incorporation by reference.

(A) Revision to LAC, Title 33, Part III, Chapter 2, Rules and Regulations for the Fee System of the Air Quality Control Programs, Section 223, Fee Schedule Listing, adopted in the *Louisiana Register,* Vol. 20, No. 11, 1263, November 20, 1994.

(B) Revision to LAC, Title 33, Part III, Chapter 19, Mobile Sources, Subchapter B, Clean Fuel Fleet Program, Sections 1951–1973, adopted in the *Louisiana Register,* Vol. 20, No. 11, 1263–1268, November 20, 1994.

[FR Doc. 95–26195 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI36–01–6712a; FRL–5294–4]

Approval and Promulgation of State Implementation Plan; Michigan; Eagle-Ottawa Leather Co. Site-Specific SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves a revision to the Michigan State Implementation Plan (SIP) for the Eagle-Ottawa Leather Company facility located in Ottawa County, Michigan. This approval makes federally enforceable the State's consent order requiring control of volatile organic compound (VOC) emissions from the Eagle-Ottawa facility. The EPA's review of the revision shows that the controls are sufficient to constitute Reasonably Available Control Technology (RACT) for this facility. The EPA defines RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

DATES: This action is effective December 22, 1995 unless adverse comments are received within 30 days of this publication. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353–6960 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 353–6960.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b) of the Clean Air Act, as amended on November 15, 1990, sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. Section 182(b)(2) requires the implementation of reasonably available control technology (RACT) for sources of volatile organic compounds (VOCs). Section 182(b)(2)(C) requires that States submit revisions to the State Implementation Plan (SIP) for major sources of VOCs for which the United States Environmental Protection Agency (EPA) has not issued a control technology guidelines (CTG) document.

The Eagle-Ottawa Leather Company is located in Ottawa County which is part of the Grand Rapids moderate ozone nonattainment area. The facility is a major source of VOCs for which a CTG has not been issued and, therefore, the State of Michigan has submitted a site-specific SIP revision, in the form of a consent order, that describes RACT for this source. This submittal satisfies the RACT requirement for this facility.

II. Evaluation of State Submittal

The Michigan Department of Natural Resources (MDNR) followed the required legal procedures for granting this source a site-specific consent order which are prerequisites for EPA to consider including this consent order in Michigan's federally enforceable SIP. A public comment period was held between April 25, 1994 through May 26, 1994. This public comment period was followed by a public hearing on May 26, 1994. This consent order was submitted to the EPA as a site-specific SIP revision under signature of the Governor's designee.

At the time the RACT evaluation was performed, it was thought, by the State, that only the three oldest lines needed to be evaluated for RACT. This is not the case and an evaluation should have been performed on all seven coating lines at the facility.

The consent order that was originally submitted by the State set a VOC limit of 5.8 lbs/gallon of coating, minus water and exempt solvents, as applied. EPA considers this to be acceptable as RACT for the coating lines evaluated in the RACT study. In order to satisfy the RACT requirement that all emission points at this facility have RACT limits applied to them, the remaining four lines will have a VOC limit of 3.1 lbs/gallon of coating, minus water and exempt solvents, as applied. This 3.1 limit is considered to be more stringent than RACT because it is a lower limit than the 5.8 limit which is considered RACT for the coating lines at this facility. The company has signed a letter indicating that the 3.1 limit is acceptable to them and will be incorporated as permit conditions in the federally enforceable permits that apply to these lines.

This RACT submittal is considered approvable because the control requirements evaluated as RACT for the three oldest lines have also been incorporated as permit conditions for the four lines for which a RACT evaluation was not performed. The EPA finds it acceptable that although a RACT analysis was not performed on the four newer lines, these lines are sufficiently