Per piece/pound	Nonautomation Rates					Automation Rates				
	Basic	3/5	Carrier route	125–Pc. W–S	Satura-tion W–S	Basic ZIP+4	3/5 ZIP+4	Basic barcoded	3-Digit barcoded	3/5-Digit barcoded
BMC	0.410	0.410	0.410	0.410	0.410	.....	.....	0.410	.....	0.410
SCF	0.386	0.386	0.38	0.386	0.386	.....	.....	0.386	.....	0.386
Delivery unit	.....	.....	0.362	0.362	0.362	.....	.....	.....	.....	.....

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R400 Fourth-Class Mail

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6.0 LIBRARY RATES

Weight not exceeding (pounds)	Single-piece rate
1	$1.12
2	1.53
3	1.94
4	2.35
5	2.76
6	3.17
7	3.58
8	3.79
9	3.99
10	4.19
11	4.39
12	4.59
13	4.79
14	4.99
15	5.19
16	5.39
17	5.59
18	5.79
19	5.99
20	6.19
21	6.39
22	6.59
23	6.79
24	6.99
25	7.19
26	7.39
27	7.59
28	7.79
29	7.99
30	8.19
31	8.39
32	8.59
33	8.79
34	8.99
35	9.19
36	9.39
37	9.59
38	9.79
39	9.99
40	10.19
41	10.39
42	10.59
43	10.79
44	10.99
45	11.19
46	11.39
47	11.59
48	11.79
49	11.99
50	12.19
51	12.39
52	12.59
53	12.79
54	12.99
55	13.19
56	13.39
57	13.59
58	13.79
59	13.99
60	14.19
61	14.39
62	14.59
63	14.79
64	14.99
65	15.19
66	15.39
67	15.59
68	15.79
69	15.99
70	16.19

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A transmittal letter making these changes in the Domestic Mail Manual will be published and transmitted automatically to subscribers. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

Neva R. Watson,

Acting Chief Counsel, Legislative.

[FR Doc. 95–16330 Filed 7–3–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN41–1–6343a; FRL–5251–3]

Approval and Promulgation of Implementation Plans; Indiana VOC RACT Catch-ups

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On August 3, 1994, the Indiana Department of Environmental Management (IDEM)) submitted a SIP revision request which addresses certain reasonably available control technology (RACT) requirements under the Clean Air Act (Act) applicable to all major sources of volatile organic compounds (VOC) located in ozone moderate and above nonattainment areas for which the United States Environmental Protection Agency (USEPA) has not issued or will not issue a control techniques guideline (CTG). The submittal was deemed complete on August 15, 1994. Indiana supplemented its revision request on February 6, 1995. The USEPA is approving this submittal in a final action because all the pertinent Federal requirements have been met. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held unless warranted by significant revisions to this rulemaking based on any comments received in response to this action. Parties interested in commenting on this action should do so at this time.

DATES: This action will be effective September 5, 1995, unless an adverse comment is received by August 4, 1995.

ADDRESSES: Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Rosanne M. Lindsay at (312) 353–1151 before visiting the Region 5 Office.)

A copy of this SIP revision is available for inspection at: Office of Air and Radiation (OAR) Document and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M St. SW., Washington DC 20460.

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

FOR FURTHER INFORMATION CONTACT: Rosanne M. Lindsay at (312) 353–1151.

SUPPLEMENTARY INFORMATION:

I. Background

The Act, as amended in 1977, required ozone nonattainment areas to adopt RACT rules for sources of VOC emissions. Consequently, the USEPA issued three sets of control technique guideline (CTG) documents, establishing a ''presumptive norm'' for RACT for various categories of VOC sources. The three sets of CTGs are: (1) Group I-issued before January 1978 (15 CTGs); (2) Group II-issued in 1978 (9 CTGs); and (3) Group III-issued in the early 1980's (5 CTGs). Those sources not covered by a CTG are commonly referred to as ''non-CTG sources.''

The USEPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 tons per year or more of VOC emissions) non-CTG sources.

On March 3, 1978, the USEPA designated Lake, Porter, Clark and Floyd Counties as nonattainment for ozone, specifying that these areas did not meet the primary standards (43 FR 8964). On July 23, 1982, USEPA reaffirmed these designations (47 FR 31878). See also 40 CFR 81.315. As a result, the RACT requirement of Group I, II and III CTGs remained applicable in these nonattainment areas. On May 26, 1988, USEPA notified the Governor of Indiana that portions of the SIP were inadequate to attain and maintain the ozone standard and requested that existing SIP deficiencies be corrected (USEPA's post 1987 SIP call).

On November 15, 1990, Congress amended the 1977 Act. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that pre-enacted ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above correct their deficient ozone RACT rules by May 15, 1991 (commonly referred to as the RACT ''fix-up'' requirement). The Indiana counties of Lake, Porter, Clark and Floyd retained their designations of nonattainment; and were classified pursuant to Section 181 as severe (Lake and Porter) and moderate (Clark and Floyd) on November 6, 1991 (56 FR 56694). The State submitted revisions to meet the RACT fix-up requirement, and USEPA approved them on March 6, 1992 (57 FR 8082).

In addition to making RACT rule corrections, the amended Act in Section 182(b)(2) requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG (i.e., a CTG issued prior to the enactment of the amended Act of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) RACT for all major sources not covered by a CTG (''major non-CTG sources''). This RACT requirement essentially mandates that nonattainment areas that previously were exempt from certain VOC RACT requirements ''catch up'' to those nonattainment areas that became subject to those requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas. Finally, under Section 182(d), ozone sources located in areas classified as ''severe'' are considered ''major'' sources if they have the potential to emit 25 tons per year or more of VOC.

Therefore, under these RACT catch-up provisions, Indiana was required to submit RACT rules for sources in the affected counties which were covered by both pre- and post-enactment CTGs,[1] as well as all non-CTG major sources. Also, pursuant to Section 182(d), sources located in the severe nonattainment counties of Lake and Porter are considered major if their potential to emit is at least 25 tons per year of VOC.

On May 4, 1994, the Indiana Air Pollution Control Board adopted 326 IAC 8–7, ''Specific VOC Reduction Requirements for Lake, Porter, Clark and Floyd Counties.'' In addition, as part of its rulemaking, Indiana amended its definition of ''federally enforceable'' and ''Reasonably available control technology'' in 326 IAC 1–2. An emergency rule was adopted on August 3, 1994, in accordance with IC 4–22–2–37.1, it was effective for 90 days and was extended an additional 90 days. The State adopted the revised rule on August 5, 1994. The State supplemented its original submittal to USEPA on February 6, 1995.

[1] Indiana has addressed these RACT catch-up requirements in other submissions, which USEPA will address in separate actions.

II. Analysis of State Submittal

The USEPA's analysis of the State submittal is summarized below. A more detailed analysis of the State's submittal is contained in a May 15, 1995 rational document which is available at the Regional Office listed above. In determining the approvability of this VOC rule, USEPA evaluated the rule for consistency with Federal requirements, including section 110 and part D of the Act, applicable regulations and USEPA's Model VOC rules.

The Indiana non-CTG RACT rule applies to stationary sources in the severe ozone nonattainment area of Lake and Porter Counties, as well as the moderate ozone nonattainment area of Clark and Floyd Counties, and reflects the lowering of the major source definition from 100 tons per year to 25 tons for Lake and Porter Counties only. The rule also applies to sources in the above affected counties which have coating facilities with the potential to emit 10–25 tons per year (TPY) of VOC, (Lake and Porter) or 40–100 TPY of VOC (Clark and Floyd).

In the determination of applicability cut-offs, the owner/operator of a source shall include total potential VOC emissions from the following facilities: (a) 326 IAC 8–2 (surface coating operations); (b) 326 IAC 8–3 (organic solvent degreasing); (c) 326 IAC 8–4 (petroleum operations); (d) 326 IAC 8–5 (miscellaneous operations); and facilities of the following types: (e) fuel combustion facilities; (f) wastewater treatment plants; (g) coke ovens, including by-product ovens; (h) barge loading facilities; (i) jet engine test cells; (j) iron and steel production facilities; and (k) vegetable oil processing facilities.

Sources covered by this rule are allowed to demonstrate compliance by choosing among any one of the following three available options: (1) Achieve an overall VOC reduction in baseline actual emissions of ninety-eight percent (98%) by the addition of add-on controls or documented reduction in VOC-containing materials used; (2) achieve a level of reduction equal to eighty-one percent (81%) of baseline actual emissions by the same means as stated above, where it is demonstrated that a 98% reduction in source emissions is not achievable; or (3) achieve an alternative overall emission reduction by the application of RACT as determined by the State and USEPA.

Compliance with these options requires sources to submit a compliance plan to the State before December 31, 1994 for approval. Specific compliance plan requirements are dependent on the

chosen compliance option. Compliance with option (1) or (2) by reducing VOC-containing materials requires the owner/operator to submit an approved compliance plan with the source's operating permit application under 40 CFR part 70 (Title 5) permit. The part 70 federally enforceable permit will incorporate the compliance plan, which will include limits reflecting the following: averaging periods no longer than daily; VOC content of process materials; capture and control efficiencies; appropriate test methods; and recordkeeping and reporting requirements. Prior to the compliance deadline of May 31, 1995, major sources in Lake, Porter, Clark and Floyd Counties can be exempt from RACT if they limit their emissions through federally enforceable state operating permits (FESOPs). (The State submitted a FESOP program on October 25, 1994, which is under review.) Prior to a USEPA-approved Indiana FESOP program, operating permits which limit emissions below the cut-off shall be submitted to USEPA as SIP revisions.

It should be noted that if a source chooses to comply with an alternative RACT overall emission reduction (option (3)), it must submit a petition to the State consistent with the procedures in 326 IAC 8–1–5. Under 8–1–5(c), all site-specific RACT plans must be submitted to and approved by USEPA as SIP revisions.

The rule also contains provisions consistent with the June 1992 Model VOC Rule for the operation, maintenance and testing of control devices at those affected facilities choosing to use add-on controls as the method of compliance.

III. Final Rulemaking Action

Based upon the review of the materials submitted by the State of Indiana, the USEPA has determined that the rules governing the VOC emissions from sources subject to non-CTG RACT requirements are consistent with the Act. Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal.

The amendments consist of a new rule, ''Specific VOC Reduction Requirements for Lake, Porter, Clark and Floyd Counties'' (326 IAC 8–7), and new definitions (326 IAC 1–2).

The USEPA is approving this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in today's issue of the **Federal Register,** the USEPA is proposing to approve the requested SIP revision should adverse or critical comments be filed. This action will be effective on September 5, 1995 unless adverse or critical comments are received by August 4, 1995.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent **Federal Register** document that withdraws this 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 USEPA will not institute a second comment period on this action, unless warranted by significant revision to this rule based on any comments received in response to 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 September 5, 1995.

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 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP 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., USEPA 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, USEPA 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.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the USEPA 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, the USEPA 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 the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA 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 the private sector, result from this action.

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 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 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, Air pollution control, Incorporation by reference.

Dated: June 22, 1995.

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. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(96) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(96) On August 3, 1994 and February 6, 1995, the Indiana Department of Environmental Management submitted a requested SIP revision to the ozone plan for ozone nonattainment areas.

(i) *Incorporation by reference.*

(A) Indiana Administrative Code, Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 2: Definitions, Section 22.5 ''Department'' definition, Section 28.5 ''Federally enforceable'' definition, and Section 64.1 ''Reasonably available control technology'' or ''RACT'' definition. Added at 18 *Indiana Register* 1223–4, effective January 21, 1995.

(B) Indiana Administrative Code, Title 326: Air Pollution Control Board, Article 8: Volatile Organic Compound Rules, Rule 7: Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties. Added at 18 *Indiana Register* 1224–9, effective January 21, 1995.

[FR Doc. 95–16359 Filed 7–3–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 52 and 81

[NC–061–1–7010; FRL–5226–3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a maintenance plan and a request to redesignate the Charlotte-Gastonia area from nonattainment to attainment for ozone (O_3) submitted on November 12, 1993, by the State of North Carolina through the North Carolina Department of Environment, Health, and Natural Resources. Subsequently on December 16, 1994, January 6, 1995, and May 23, 1995, the State submitted supplementary information which included refined modeling and revisions to the maintenance plan. The Charlotte-Gastonia O_3 nonattainment area includes Mecklenburg and Gaston Counties. EPA is also approving the State of North Carolina's 1990 baseline emissions inventory because it meets EPA's requirements regarding the approval of baseline emission inventories.

EFFECTIVE DATE: July 5, 1995.

ADDRESSES: Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

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 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

State of North Carolina, Air Quality Section, Division of Environmental Management, North Carolina Department of Environment, Health, and Natural Resources, Raleigh, North Carolina 27626.

Environmental Management Division, Mecklenburg County Department of Environmental Protection, 700 N. Tryon Street, Charlotte, North Carolina 28202–2236.

FOR FURTHER INFORMATION CONTACT: Kay Prince, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4221. Reference file NC–061–1–6815.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C), EPA designated Mecklenburg County of the Charlotte-Gastonia area as nonattainment by operation of law with respect to O_3 because the area was designated nonattainment immediately before November 15, 1990. The nonattainment area was expanded to include Gaston County per section 107(d)(1)(A)(i) (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.318.) The area was classified as moderate.

The moderate nonattainment area had ambient monitoring data that showed no violations of the O_3 NAAQS, during the period from 1990 through 1993. Therefore, on November 12, 1993, the State of North Carolina submitted an O_3 maintenance plan and requested redesignation of the area to attainment with respect to the O_3 NAAQS. The O_3 NAAQS continues to be maintained in the Charlotte-Gastonia area. On January 24, 1994, Region 4 determined that the information received from the State constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2. Subsequently, on December 16, 1994, and January 6, 1995, the State submitted additional information that refined the modeling and clarified the future measures needed to ensure maintenance of the O_3 NAAQS. The State requested the January 6, 1995, information be parallel processed by EPA. The State held a public hearing on April 19, 1995, and made a final submittal to EPA on May 23, 1995.

The North Carolina redesignation request for the Charlotte-Gastonia moderate O_3 nonattainment area meets the five requirements of section 107(d)(3)(E) for redesignation to attainment. The following is a brief description of how the State of North Carolina has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. The Area Must Have Attained the O_3 NAAQS

The State of North Carolina's request is based on an analysis of quality assured ambient air quality monitoring data, which is relevant to the maintenance plan and to the redesignation request. Most recent ambient air quality monitoring data for calendar year 1990 through calendar year 1994 demonstrates attainment of the standard. The State of North Carolina has committed to continue monitoring the moderate nonattainment area in accordance with 40 CFR 58. Therefore, the State has met this requirement. For detailed information refer to the proposed document published April 17, 1995 (60 FR 19197).