

any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects in 39 CFR Part 954

Administrative practice and procedure, Periodicals, Postal Service.

Accordingly, the Postal Service adopts amendments to 39 CFR part 954 as specifically set forth below:

PART 954—[AMENDED]

1. The authority citation for part 954 continues to read as follows:

Authority: 39 U.S.C. 204, 401.

2. The title of part 954 is amended by substituting "Periodicals" for "Second-Class."

§ 954.2 [Amended]

3. Section 954.2 is amended by substituting "Periodicals" for "second-class."

§ 954.3 [Amended]

4. Section 954.3 is amended by substituting "Periodicals" for "second-class."

§ 954.5 [Amended]

5. Section 954.5 is amended by substituting "Periodicals" for "second-class."

6. Section 954.5 is amended by substituting "§ E213 of the Domestic Mail Manual" for "Part 132 of this chapter."

7. Section 954.5 is amended by adding "or she" after "he" and "or her" after "his" wherever it appears.

§ 954.6 [Amended]

8. Section 954.6 is amended by substituting "Periodicals" for "second-class."

9. Section 954.6 is amended by adding "or she" after "he."

§ 954.8 [Amended]

10. Section 954.8 is amended by substituting "Recorder" for "Docket Clerk" wherever it appears.

11. Section 954.8(b) is amended by substituting "Periodicals" for "second-class" wherever it appears.

12. Section 954.8(b) is amended by adding "or her" after "his."

13. Section 954.8(e) is amended by adding "or she" after "he" wherever it appears.

§ 954.10 [Amended]

14. Section 954.10 is amended by adding "or her" after "his" and "or she" after "he."

§ 954.12 [Amended]

15. Section 954.12 is amended by adding "or her" after "his" and "or she" after "he" wherever it appears.

§ 954.13 [Amended]

16. Section 954.13(a) is amended by substituting "authorized official" for "Director."

17. Section 954.13(a) is amended by adding "or her" after "his" and "him."

18. Section 954.13(c) is amended by adding "or she" after "he."

§ 954.14 [Amended]

19. Section 954.14(b)(6) is amended by adding "or she" after "he."

20. Section 954.14(b)(8) is amended by adding "or her" after "his."

§ 954.16 [Amended]

21. Section 954.16(d)(1) is amended by substituting "the authorized official's" for "Director's."

§ 954.17 [Amended]

22. Section 954.17(b) is amended by adding "or her" after "his" and "or she" after "he" wherever it appears.

§ 954.18 [Amended]

23. Section 954.18(a) is amended by substituting "Recorder" for "Docket Clerk" wherever it appears.

§ 954.19 [Amended]

24. Section 954.19(a) is amended by adding "or she" after "he."

§ 954.25 [Amended]

25. Section 954.25 is amended by substituting "Librarian" for "Law Librarian."

26. Section 954.25 is amended by substituting "Library" for "Law Library."

27. Section 954.25 is amended by substituting "Recorder" for "Docket Clerk."

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97-33480 Filed 12-22-97; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179-0057 FRL-5934-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on August 4, 1997. The revisions concern rules from the Bay Area Air Quality District (BAAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to incorporate BAAQMD rules with updated definitions which include a revised definition of volatile organic compound (VOC) into the federally approved SIP.

EFFECTIVE DATE: This action is effective on January 22, 1998.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include the following BAAQMD rules: Rule 8-4, General Solvent and Surface Coating Operations; Rule 8-11, Metal Container, Closure and Coil Coating; Rule 8-12, Paper, Fabric, and Film Coating; Rule 8-13, Light and Medium Duty Motor Vehicle Assembly Plants; Rule 8-14, Surface Coating of Large Appliance and Metal Furniture; Rule 8-19, Surface Coating of Miscellaneous Metal Parts and Products; Rule 8-20, Graphic Arts Printing and Coating; Rule 8-23, Coating of Flat Wood Paneling and Wood Flat Stock; Rule 8-29, Aerospace Assembly and Component Coating Operations; Rule 8-31, Surface Coating of Plastic Parts and Products; Rule 8-32, Wood Products; Rule 8-38, Flexible and Rigid Disc Manufacturing; Rule 8-43, Surface Coating of Marine Vessels; Rule 8-45, Motor Vehicle and Mobile Equipment Coating Operations; Rule 8-50, Polyester Resin Operations.

II. Background

On August 4, 1997 in 62 FR 41905, EPA proposed to approve the following BAAQMD rules into the California SIP: Rule 8-4, General Solvent and Surface Coating Operations; Rule 8-11, Metal Container, Closure and Coil Coating; Rule 8-12, Paper, Fabric, and Film Coating; Rule 8-13, Light and Medium Duty Motor Vehicle Assembly Plants; Rule 8-14, Surface Coating of Large Appliance and Metal Furniture; Rule 8-19, Surface Coating of Miscellaneous Metal Parts and Products; Rule 8-20, Graphic Arts Printing and Coating; Rule 8-23, Coating of Flat Wood Paneling and Wood Flat Stock; Rule 8-29, Aerospace Assembly and Component Coating Operations; Rule 8-31, Surface Coating of Plastic Parts and Products; Rule 8-32, Wood Products; Rule 8-38, Flexible and Rigid Disc Manufacturing; Rule 8-43, Surface Coating of Marine Vessels; Rule 8-45, Motor Vehicle and Mobile Equipment Coating Operations; Rule 8-50, Polyester Resin Operations. These rules were adopted by BAAQMD on December 20, 1995 and were submitted by the CARB to EPA on July 23, 1996.

EPA has evaluated the revised definitions in the above rules for consistency with federal and state definitions. This action will result in a more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist States in avoiding exceedences of the ozone health standard by focusing control efforts on compounds which are actual ozone precursors. A detailed discussion of the rule provisions and evaluations has been provided in 62 FR 41865 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated April 10, 1997).

III. Response to Public Comments

A 30-day public comment period was provided in 62 FR 41865. EPA received one comment from the BAAQMD on the direct final rule. BAAQMD commented that clarification was needed in EPA's approval to reflect the exact compounds being exempted. EPA stated that the district rules' definition of VOC and exempt compounds are consistent with EPA's definitions because the rules were revised to exempt three compounds (acetone, parachlorobenzotrifluoride (PCBTF) and cyclic, branched, or linear, completely methylated siloxanes (VMS)) exempted by EPA. By the time these rules were submitted to EPA by CARB on July 23, 1996, EPA had made additional revisions to the definition of VOC and exempt compounds.

BAAQMD want the final rule to reflect that the submitted rules to not exempt compounds exempted by EPA after December 20, 1995 (the date the rules were adopted). EPA has evaluated BAAQMD's comment and agrees that clarification is needed. The comment does not effect the EPA's approval of Rules 8-4, 8-11, 8-12, 8-13, 8-14, 8-19, 8-20, 8-23, 8-29, 8-31, 8-32, 8-38, 8-43, 8-45, and 8-50 into the SIP, it clarifies the compounds exempted. Therefore, EPA is now approving the submitted BAAQMD rules.

IV. EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally-approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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, 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 of less than 50,000.

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, the Administrator certifies 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 CAA, 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).

C. Unfunded Mandates

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 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 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

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 February 23, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: December 2, 1997.

Harry Seraydarian,

Acting Regional Administrator, Region IX.

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 F—California

2. Section 52.220 is amended by adding paragraph (c) (239)(i)(E)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(239) * * *

(i) * * *

(E) * * *

(2) Rule 8–4, Rule 8–11, Rule 8–12, Rule 8–13, Rule 8–14, Rule 8–19, Rule 8–20, Rule 8–23, Rule 8–29, Rule 8–31, Rule 8–32, Rule 8–38, Rule 8–43, Rule 8–45, Rule 8–50 amended on December 20, 1995.

* * * * *

[FR Doc. 97–33324 Filed 12–22–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL158a; FRL–5900–3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: In this action, USEPA approves a State Implementation Plan (SIP) revision, submitted by the State of Illinois on April 25, 1997, for the general conformity rules. The general conformity SIP revision enables the State of Illinois to implement the Federal general conformity requirements in the nonattainment and maintenance areas at the State level. General Conformity assures that Federal actions conform to the State plan to attain and maintain the public health based air quality standards. In this action, USEPA is approving the Illinois General Conformity rules through a “direct final” rulemaking; the rationale for this “direct final” approval and other information is set forth below.

DATES: This action is effective February 23, 1998 unless adverse written comments are received by January 22, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision are available for inspection at the following address: (It is recommended that you telephone Patricia Morris at (312) 353–8656 before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353–8656.

SUPPLEMENTARY INFORMATION:

I. Background

Conformity provisions first appeared in the Clean Air Act (CAA) amendments of 1977 (Public Law 95–95). Although these provisions did not define the term conformity, they provided that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP that has been approved or promulgated for the nonattainment areas.

The CAA Amendments of 1990 expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in Section 176(c) of the CAA as conformity to the SIP’s purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The CAA requires USEPA to promulgate criteria and procedures for determining conformity of all other Federal actions in the nonattainment or maintenance areas (actions other than those under Title 23 U.S.C. or the Federal Transit Act) to a SIP. The criteria and procedures developed for this purpose are called “general conformity” rules. The actions under Title 23 U.S.C. or the Federal Transit Act (referred to as transportation conformity) will be addressed in a separate **Federal Register** notice. The USEPA published the final general conformity rules in the November 30, 1993, **Federal Register** and codified them at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to the USEPA not later than November 30, 1994.

II. Evaluation of State Submittal

Pursuant to the requirements under Section 176(c)(4)(C) of the CAA, as amended November 15, 1990, the Illinois Environmental Protection Agency (IEPA) submitted a SIP revision to the USEPA on April 25, 1997. The