

also submitted a "Survey of Active Coal Mining Operations in Kentucky (June 1–July 31, 1997)" reflecting a total of 353 active mines in the State. By comparison, the number of licensed mines in 1984 was 2,063.

#### Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment submitted on November 3, 1997, from various Federal agencies with an actual or potential interest in the Kentucky program. No comments were received.

#### Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Kentucky proposed to make in its amendment pertains to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

#### V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Kentucky on November 3, 1997.

The Federal regulations at 30 CFR Part 917, codifying decisions concerning the Kentucky program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

#### VI. Procedural Determinations

##### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such

program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 6501 *et seq.*) The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

#### Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 16, 1998.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

#### PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 917.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

#### § 917.15 Approval of Kentucky regulatory program amendments.

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
November 3, 1997.	July 31, 1998	Staffing and budget levels.

#### § 917.16 [Amended]

3. Section 917.16 is amended by removing and reserving paragraph (b).

#### § 917.17 [Amended]

4. Section 917.16 is amended by removing and reserving paragraph (a). [FR Doc. 98–20468 Filed 7–30–98; 8:45 am]

BILLING CODE 4310–05–M

## POSTAL SERVICE

### 39 CFR Part 111

#### Elimination of Mixed BMC/ADC Pallets of Packages of Flats

**AGENCY:** Postal Service.

**ACTION:** Final rule; correction.

**SUMMARY:** The Postal Service published a document in the **Federal Register** of July 10, 1998, concerning revisions to Domestic Mail Manual (DMM) sections M020, M041, and M045, eliminating options for mailers to place packages and bundles of Standard Mail (A) and Standard Mail (B) on mixed BMC pallets. The document contained an incorrect date.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Beller, (202) 268–5166.

**Correction**

In the **Federal Register** issue of July 10, 1998, in FR Doc. 98-18434, on page 37254, in the first column, correct the DATES caption to read:

EFFECTIVE DATE: October 4, 1998.

Dated: July 16, 1998.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 98-20521 Filed 7-30-98; 8:45 am]

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

[CA 179-0061; FRL-6131-4]

**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 a revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on April 17, 1997. The revision concerns a rule from the Bay Area Air Quality Management District (BAAQMD). This approval action will incorporate this rule into the Federally approved SIP. The intended effect of approving this rule is to regulate emissions of oxides of nitrogen (NO<sub>x</sub>) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rule concerns the control of NO<sub>x</sub> emissions from utility electric power generating boilers in the San Francisco Bay area. Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, and SIPs for national primary and secondary ambient air quality standards. The rule is being approved into the SIP in accordance with the area's ozone maintenance plan.

**DATES:** This action is effective on August 31, 1998.

**ADDRESSES:** Copies of the rule and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule 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, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

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

**FOR FURTHER INFORMATION CONTACT:**

Thomas C. Canaday, Rulemaking Office (AIR-4), Air Division, U.S.

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1202.

**SUPPLEMENTARY INFORMATION:**
**I. Applicability**

The BAAQMD rule being approved into the California SIP is Regulation 9, Rule 11, Nitrogen Oxides and Carbon Monoxide from Utility Electric Power Generating Boilers. This BAAQMD rule was adopted on February 16, 1994 and amended November 15, 1995. A revision of the amended rule, containing the Reasonably Available Control Technology (RACT) NO<sub>x</sub> provisions required under the Act but omitting state-mandated NO<sub>x</sub> emission limits, was submitted to EPA by the State of California on July 23, 1996. The rule was found to be complete on January 17, 1997, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.<sup>1</sup> A subsequent version revised only to correct typographical errors was submitted on February 20, 1998. EPA is taking final action to approve the rule into the SIP.

**II. Background**

On April 17, 1997, EPA proposed to approve Regulation 9, Rule 11 into the California SIP (62 FR 18730). While the BAAQMD was no longer required to submit NO<sub>x</sub> RACT rules pursuant to section 182(b)(2), the BAAQMD incorporated several previously submitted NO<sub>x</sub> rules as contingency measures in its ozone maintenance plan as a requirement for redesignation to attainment. Shortly after being redesignated to attainment of the ozone standard, the Bay Area recorded violations of the Federal ozone standard, therefore triggering the contingency measures of the maintenance plan. In accordance with

<sup>1</sup> EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

the redesignation maintenance plan, and at the request of the BAAQMD, EPA is incorporating the NO<sub>x</sub> measures into the SIP. The BAAQMD submitted the contingency measure being acted on in this document on July 23, 1996. This action encompasses part of the measures identified in the plan as contingency measures. A detailed discussion of the background for BAAQMD Regulation 9, Rule 11 (as submitted on July 23, 1996) is provided in the proposed rule cited above.

EPA has evaluated BAAQMD Regulation 9, Rule 11 for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rule cited above. EPA has found that the BAAQMD submitted rule meets the applicable EPA requirements. A detailed discussion of the BAAQMD rule provisions and EPA's evaluation has been provided in the proposed rule and in the technical support document (TSD), dated January 24, 1997, which is available at EPA's Region IX office.

**III. Response to Public Comments**

A 30-day public comment period was provided in 62 FR 18730. The rule in the present action, along with four additional rules (BAAQMD Regulation 9, Rule 7; Regulation 9, Rule 8; Regulation 9, Rule 9; and Regulation 9, Rule 12) were the subject of a prior direct final action. See 62 FR 18710 (April 17, 1997). EPA received adverse comments on Regulation 9, Rule 11 only. Consequently the previous direct final action was withdrawn. See 62 FR 32687 (June 17, 1997). Following is EPA's response to comments received on Regulation 9, Rule 11 from Pacific Gas and Electric Company (PG&E), a public utility that owns and operates sources affected by Regulation 9, Rule 11. PG&E objected to the presence in BAAQMD Regulation 9, Rule 11 of provisions that relate to carbon monoxide and ammonia emissions on the grounds that these substances are not ozone precursors. However, the BAAQMD submitted the carbon monoxide and ammonia provisions for inclusion into the SIP and there is no basis for EPA to disapprove them.

PG&E also objected to the inclusion in BAAQMD Regulation 9, Rule 11 of references to those portions of the rule which contain state-mandated NO<sub>x</sub> emissions limits and were therefore not included in the rule as submitted to EPA on July 23, 1996. In response to this comment, the State of California removed these typographical errors from