

¹ The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is \$25 U.S., or \$30 Canadian per lock. The applicable charge under item 3 at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) will be collected in U.S. dollars. The other amounts are in Canadian dollars and are for the Canadian Share of tolls. The collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)).

AGENCY: Postal Service

DATES: Effective: October 1, 2005, with applicability dates as follows:

- For owned facilities, these standards are applicable effective on October 1, 2005 for all Postal Service facility designs that have not reached 30% design completion by October 1, 2005 and for all design/build contracts for which the solicitation is issued after October 1, 2005.
- For leased facilities, these standards are applicable effective on October 1, 2005 for new construction, additions, and alterations and alternate quarters with designs that have not reached 30% completion by October 1, 2005.
- For all existing leased facilities, these standards are applicable effective on October 1, 2005 for all new leases

signed on or after October 1, 2005. The unilateral exercise of a previously negotiated lease option is not considered a new lease for purposes of these standards.

FOR FURTHER INFORMATION CONTACT:

Susan Koetting, Attorney, U.S. Postal Service, (202) 268-4818.

SUPPLEMENTARY INFORMATION: The US Access Board recently adopted Guidelines to implement the Americans with Disabilities Act and the Architectural Barriers Act at 69 FR 44084, July 23, 2004, codified at 36 CFR part 1191. It is the Postal Service's intent to adopt the Guidelines pertaining to the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*), which are found in 36 CFR Part 1191, with the exception of the Advisory Notes. As a matter of policy, the Advisory Notes will be included in the Postal Service's revised Handbook RE-4, "Standards for Facility Accessibility," which is an internal guidance document published for the benefit of Postal Service employees.

List of Subjects in 39 CFR Part 254

Buildings and Facilities, Individuals with Disabilities, Postal Service

■ For the reasons set forth in the preamble, the Postal Service amends 39 CFR chapter 1 by adding a new part 254 to read as follows:

PART 254—POSTAL SERVICE STANDARDS FOR FACILITY ACCESSIBILITY PURSUANT TO THE ARCHITECTURAL BARRIERS ACT

Sec.

254.1 Adoption of U.S. Access Board Standards as Postal Service Standards of Facility Accessibility

254.2 Definition of primary function area and criteria used to determine whether an alteration has an effect on an area containing a primary function that is disproportionate to the overall alterations.

Authority: 39 U.S.C 101, 401, 403; 29 U.S.C. 792(b)(3) and 42 U.S.C. 12204.

§ 254.1 Adoption of U.S. Access Board Standards as Postal Service Standards of Facility Accessibility.

(a) The United States Postal Service adopts as its Architectural Barriers Act (ABA) "Standards for Facility Accessibility," the following sections of 36 CFR part 1191:

Appendix A to Part 1191, Table of Contents for apps. C, D, and E.

Appendix C to Part 1191, Architectural Barriers Act, Scoping (which contains ABA Chapter 1, Application and Administration, and ABA Chapter 2, Scoping requirements); pertinent parts of Appendix D to Part

1191, Technical (which includes Chapters 3 through 10).

Appendix E to Part 1191, List of Figures and Index.

(b) These sections listed in paragraph (a) of this section are adopted verbatim, with the exception of the Advisory Notes, which are expressly excluded.

§ 254.2 Definition of primary function area and criteria used to determine whether an alteration has an effect on an area containing a primary function that is disproportionate to the overall alterations.

(a) *Terminology.* The new accessibility guidelines require that certain terms be defined by the participating federal agencies. In the U.S. Access Board's 36 CFR part 1191, Appendix C, ABA chapter 2, section F202.6.2 requires that "primary function areas" be defined and Section F202.4 contains requirements for alterations affecting "primary function areas" stating, "* * * an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope as determined under criteria established by the Administrator of * * * the United States Postal Service."

(b) *Primary function areas.* For purposes of this part, the primary function of the Postal Service is to provide mail service for its customers, that is to accept, distribute, transport and deliver the mail. Two essential facilities for fulfilling these functions are customer lobby areas where customers conduct their retail transactions, access mail depositories and post office boxes and work room areas where postal employees distribute the mail and perform other core postal operations. Therefore, for purposes of the accessibility guidelines applicable to the Postal Service under the Architectural Barriers Act, two primary function areas are identified: Customer Lobbies and Workroom Areas.

(c) *Disproportionality.* (1) According to Section F202.6.2, "alteration" of elements in a primary function area can trigger a requirement to make accessibility improvements along the path of travel to the area and improvements to rest rooms, telephones, and drinking fountains that serve the altered area if the alteration "affects or could affect the usability of or access to an area containing a primary function."

It is conceivable that almost any repair or alteration project in a "primary function area" could affect the usability of the area. Therefore a literal interpretation of this provision could require an expansion of the scope of virtually any alteration in a primary function area, regardless of the size and scope of the original project. According to Section F202.6.2, accessibility improvements must be made to the path of travel to the altered area and to rest rooms, telephones, and drinking fountains that serve the altered area "unless such alterations are disproportionate to the overall alterations in terms of cost and scope". (2) For purposes of the accessibility guidelines applicable to the Postal Service under the Architectural Barriers Act, two criteria must be considered in making a determination whether accessibility improvements are disproportionate to the cost and scope of the original alteration: a magnitude threshold for the original alteration and a maximum "percentage threshold" for the accessibility alteration.

(d) *Magnitude threshold.* It is anticipated that, in most cases, a significant additional effort would be required to assess physical conditions along the path of travel and for rest rooms, telephones, and drinking fountains that serve the altered area, and to determine the scope, budget and appropriate design requirements for any corrective alterations. Unless the original alteration is of substantial magnitude, a disproportionate effort would be devoted to such investigation, design, and administration leaving few, if any funds to accomplish corrective work. Accordingly, a "magnitude threshold" is established such that no accessibility improvements to the path of travel, nor to any associated facilities, shall be required under F202.6.2 for alterations that have an estimated total cost less than 20 percent of the fair market value of the facility.

(e) *Percentage threshold.* For alterations subject to F202.6.2 that meet or exceed the "magnitude threshold," the maximum cost for accessibility improvements to the path of travel, including all costs for accessibility improvements to rest rooms, telephones, and drinking fountains that serve the altered area, shall not exceed 20 percent of the total cost of the original alteration. Costs for accessibility improvements in excess of the 20

percent threshold shall be deemed "disproportionate."

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Attorney, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R03-OAR-2005-VA-0006; FRL-7913-5]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Solvent Cleaning Operations Using Non-Halogenated Solvents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Virginia State Implementation Plan (SIP). The revision consists of regulatory modifications intended to clarify the applicability of the solvent metal cleaning operations using non-halogenated solvents provisions. EPA is approving these revisions in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on July 18, 2005, without further notice, unless EPA receives adverse written comment by June 16, 2005. If EPA receives such comments, it 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.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03-OAR-2005-VA-0006 by one of the following methods:

A. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. Agency Web site: <http://www.docket.epa.gov/rmepub/>. RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. E-mail: campbell.dave@epa.gov.

D. Mail: R03-OAR-2005-VA-0006, Dave Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to RME ID No. R03-OAR-2005-VA-0006. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, [regulations.gov](http://www.regulations.gov) or e-mail. The EPA RME and the Federal [regulations.gov](http://www.regulations.gov) Web sites are an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the RME index at <http://www.docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth, (215) 814-2034, or by e-mail at wentworth.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 24, 2003 (68 FR 3410), EPA reclassified the Metropolitan Washington, DC ozone nonattainment area (DC area) from "serious" to "severe" for the one-hour ozone standard. As a severe nonattainment area, the DC area, which comprises the states of Maryland, portions of Virginia and the District of Columbia, is now required to meet the requirements of section 182(d) of the CAA and attain the standard by November 15, 2005. As a result of the reclassification to severe nonattainment, the DC area must implement additional control measures and submit SIP revisions for post-1999 rate of progress (ROP) plans, revisions to contingency measures and revisions to the area's attainment demonstration.

As a part of Virginia's strategy to meet its portion of the necessary emission reductions, the Commonwealth adopted new measures to control volatile organic compound (VOC) emissions from four additional source categories, including a regulation to control emissions from solvent metal cleaning operations.

II. Summary of SIP Revision

On February 23, 2004, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision consisted of four new regulations added to 9 VAC 5, Chapter 40, amendments to one existing article of 9 VAC 5 Chapter 20, and amendments to 9 VAC 5, Chapter 20 to incorporate by reference additional test methods and procedures. The revision also included amendments to section B of 9 VAC 5-40-3260 (Rule 4-24) pertaining to emissions standards for solvent metal cleaning operations using non-halogenated solvents. This action addresses Rule 4-24 only. The remaining portions of the submittal have been the subject of separate rulemaking actions.

On June 9, 2004 (69 FR 32277), EPA published a direct final rulemaking action approving the Commonwealth's solvent metal cleaning operations regulation for the Northern Virginia portion of the Metropolitan DC ozone nonattainment area (Northern Virginia Area) into the SIP. This regulation was based on the Ozone Transport Commission's (OTC) model rule. The Virginia solvent metal cleaning regulation entitled, "Emission Standards for Solvent Metal Cleaning Operations in the Northern Virginia VOC Emission Control Area" (Rule 4-