

POSTAL SERVICE**39 CFR Part 3****Amendments to Bylaws of the Board of Governors Concerning Plans and Reports Under the Government Performance and Review Act**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Board of Governors of the United States Postal Service has approved amendments to its bylaws. The amendments reserve to the Board approval of Postal Service plans and reports under the Government Performance and Review Act and reserve to the Governors the transmission of semi-annual reports under the Inspector General Act.

EFFECTIVE DATE: August 4, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas J. Koerber, (202) 268-4800.

SUPPLEMENTARY INFORMATION: The Board of Governors of the Postal Service consists of nine Presidentially appointed Governors, and the Postmaster General and Deputy Postmaster General. 39 U.S.C. 202. The bylaws of the Board list certain matters reserved for action by the Board and certain other matters reserved for action by the Governors alone. 39 CFR 3.3, 3.4. At its meeting on July 1, 1997, the Board approved two conforming amendments to these bylaws.

One amendment concerns 39 U.S.C. 2801-2805, as enacted by the Government Performance and Results Act. The Board amended § 3.3 of the bylaws to insert a new paragraph (v), reserving to the Board the approval and transmittal to the President and the Congress of the plans and reports which will be required to be submitted periodically under the Results Act. These are the strategic plans required by 39 U.S.C. 2802, the performance plans required by 39 U.S.C. 2803, and the program performance reports required by 39 U.S.C. 2804. The performance plans and program performance reports are required by the statute to be included in the annual comprehensive statement required under 39 U.S.C. 2401(e), which is already reserved for approval and transmittal by the Board under bylaw section 3.3(t).

The second amendment added to § 3.4 a new paragraph (h), which reserves to the Governors the transmittal to the Congress of the semi-annual report of the Inspector General required under section 5 of the Inspector General Act, as amended. 5 U.S.C. app. The Inspector General Act requires the reports to be transmitted by the head of the agency.

Under section 8G of the Inspector General Act, as amended by Public Law 104-208 (1997), the Governors function as the head of the Postal Service with respect to the Inspector General Act.

List of Subjects in 39 CFR Part 3

Administrative practice and procedure, Organization and functions (Government agencies), Postal Service.

Accordingly, 39 CFR Part 3 is amended as follows:

PART 3—[AMENDED]

1. The authority citation for Part 3 is amended to read as follows:

Authority: 39 U.S.C. 202, 203, 205, 401 (2), (10), 402, 1003, 2802-2804, 3013; 5 U.S.C. 552b (g), (j); Inspector General Act, 5 U.S.C. app.

2. Section 3.3 is amended by republishing the introductory text; redesignating paragraph (v) as paragraph (w); and by adding new paragraph (v) to read as follows:

§ 3.3 Matters reserved for decision by the Board.

The following matters are reserved for decision by the Board of Governors:

* * * * *

(v) Approval and transmittal to the President and the Congress of the Postal Service's strategic plan pursuant to the Government Performance and Results Act of 1993, 39 U.S.C. 2802; approval of the Postal Service annual performance plan under 39 U.S.C. 2803 and the Postal Service program performance report under 39 U.S.C. 2804, which are included in the comprehensive statement under 39 U.S.C. 2401.

3. Section 3.4 is amended by republishing the introductory text and adding new paragraph (h) at the end of that section to read as follows:

§ 3.4 Matters reserved for decision by the Governors.

The following matters are reserved for decision by the Governors:

* * * * *

(h) Transmittal to the Congress of the semi-annual report of the Inspector General under section 5 of the Inspector General Act.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97-20404 Filed 8-1-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[MD040-4014a and MD047-4014a; FRL-5867-5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Degreasing Operations and Vehicle Refinishing, and Definition of Motor Vehicle

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland on July 12, 1995 and July 17, 1995. These revisions establish volatile organic compound emission reduction requirements for degreasing operations and vehicle refinishing throughout the State of Maryland, and a definition for the term "motor vehicle." The intended effect of this action is to approve these amendments to the Maryland SIP, in accordance with the SIP submittal and revision provisions of the Act.

DATES: This final rule is effective September 18, 1997 unless within September 3, 1997 adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone/CO and Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 566-2181, at the EPA Region III office address listed above, or via e-mail at pino.maria@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On July 12, 1995, the Maryland Department of the Environment (MDE) submitted new and revised regulations to EPA as State Implementation Plan (SIP) revisions.

These regulations control emissions of volatile organic compounds (VOCs) throughout the state. MDE submitted these SIP revision requests pursuant to the rate-of-progress (ROP) requirements of section 182 of the Clean Air Act (the Act). Specifically, Maryland has adopted VOC control measures for degreasing operations and vehicle refinishing. In addition, on July 17, 1995, MDE submitted a new definition for the term "motor vehicle" to EPA as a SIP revision.

Background

Section 182(b)(1) of the Act requires states with ozone nonattainment areas classified as moderate or above to reduce VOC emissions 15% from 1990 baseline levels. States were required to achieve the 15% VOC emission reduction by 1996. This ROP requirement, known as the 15% plan, was due to EPA as a SIP revision by November 15, 1993.

In Maryland, 15% plans were required for the Baltimore severe ozone nonattainment area, the Maryland portion of the Philadelphia severe ozone nonattainment area, and the Maryland portion of the Washington, DC serious ozone nonattainment area. Maryland submitted the required 15% plans to EPA as SIP revisions on July 12, 1995. In these 15% plans, Maryland takes credit for the emission reductions achieved through the VOC regulations that Maryland submitted as SIP revisions on July 12, 1995, including Maryland's autobody refinishing and degreasing regulations. Furthermore, the VOC emission reductions achieved by Maryland's autobody refinishing and degreasing regulations are needed to achieve the 15% reduction in the Baltimore plan. Therefore, these two regulations, which control VOC emissions from autobody refinishing and degreasing operations, must be approved into Maryland's SIP before EPA can approve the Baltimore 15% plan.

Summary of SIP Revisions

Control of VOC Emissions From Cold and Vapor Degreasing (COMAR 26.11.19.09)

This revision established standards for cold and vapor degreasing operations. Maryland has repealed its existing degreasing provisions, COMAR 26.11.19.09 Volatile Organic Compound Metal Cleaning, and replaced them with these new provisions, COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing.

General Provisions

The new regulation applies to a person who uses a VOC degreasing material in cold or vapor degreasing at service stations, motor vehicle repair shops, automobile dealerships, machine shops, and any other metal refinishing, cleaning, repair or fabrication facilities.

Monthly records of the amount of VOC degreasing material used must be maintained and made available to MDE for inspection upon request.

This regulation established definitions for the following terms: cold degreasing, degreasing material, grease, halogenated substance, vapor degreasing, and VOC degreasing material.

Requirements for Cold Degreasers

After May 15, 1996, a person may not use any VOC degreasing material that has a vapor pressure greater than 1 millimeter of mercury (mm Hg) at 20° C (0.038 pounds per square inch (psi)). The use of any halogenated substance that is a VOC is prohibited. The use of good operating practices is required.

Requirements for Vapor Degreasers

The use of VOC degreasing material is prohibited, unless the vapor degreaser is equipped with a condenser or a pollution control device with an overall efficiency of at least 90%. Vapor degreasers must include separate enclosed chambers that allow drainage of parts being cleaned, capture of the vapors, or other methods to minimize evaporative losses.

EPA Evaluation: The requirement to use material with vapor pressure less than or equal to 1 mm HG for cold degreasing, and the prohibition of VOC degreasing materials for vapor degreasing, unless add-on control with 90% overall control efficiency is used, will result in significant VOC emission reductions. The requirement for good operating practices will also contribute to VOC emission reductions from this source category. Furthermore, Maryland's recordkeeping, reporting, and testing provisions ensure that this regulation is enforceable. Therefore, this regulation is fully approvable. These reductions are needed for Maryland's 15% plans.

Control of VOC Emissions From Vehicle Refinishing (COMAR 26.11.19.23)

General Provisions

This new regulation establishes standards for vehicle refinishing based on VOC content of coatings, as applied. This regulation establishes definitions for the following terms: base coat/clear coat system, controlled air spray system,

mobile equipment, multistage coating equipment, precoat, pretreatment, primer sealer, primer surfacer, specialty coating, topcoat, and vehicle refinishing. This regulation is applicable to anyone using coatings that contain VOC for vehicle refinishing, except for a person who coats parts (1) if the parts are not components of a vehicle at the premises where vehicle refinishing is being performed or (2) at an automobile assembly plant.

Emission Standards

The following coating standards apply to the coating as used at the coating equipment, where lb/gal is pounds per gallon and kg/l is kilograms per liter.

Coating type	Maximum VOC content on or after April 15, 1996
Pretreatment	6.5 lb/gal (0.78 kg/l).
Precoat	5.5 lb/gal (0.66 kg/l).
Primer surfacer	5.8 lb/gal (0.46 kg/l).
Primer sealer	4.6 lb/gal (0.55 kg/l).
Topcoat	5.0 lb/gal (0.60 kg/l).
Multi-stage coating system.	5.2 lb/gal (0.63 kg/l).
Specialty coating	7.0 lb/gal (0.84 kg/l).

Compliance Standards

The regulation establishes methods for calculating the VOC content of a coating system, to determine compliance with the standards listed above.

The use of specialty coatings is limited to 5% by volume of all coatings used at a premises, calculated on a monthly basis.

The use of a controlled air spray system is required. Maryland defines controlled air spray systems as either high volume, low pressure (HVLV) or low volume, low pressure (LVLV) systems. The equipment must be operated in accordance with the equipment manufacturers' recommendations and in a manner that minimizes emissions of VOC to the atmosphere.

Cleanup and housekeeping provisions require that surface preparation and cleanup materials containing VOC, and VOC-contaminated cloth and paper must be stored in closed containers. Enclosed containers or VOC-recycling equipment must be used to clean paint guns and paint lines. The VOC content of preparation materials is limited to 6.5 lb/gal for plastic parts preparation and 1.4 lb/gal for all other preparation.

Monthly records of the total volume and VOC content of all coatings purchased (for which standards are specified in this regulation), cleanup materials and surface preparation materials must be maintained for at least

2 years and made available to MDE for inspection upon request.

EPA Evaluation: The coating standards in Maryland's autobody refinishing regulation limit the content of VOC in coatings, thereby reducing VOC emissions from the application of these coatings. In addition, limits on the use of specialty coatings; limits on the VOC content of surface preparation materials; clean-up and "housekeeping" provisions; and the requirement to use a controlled air spray system will further reduce emissions from this source category. Finally, Maryland's recordkeeping, reporting, and testing provisions ensure that this regulation is enforceable. Therefore, this regulation, which will achieve significant VOC emission reductions from the autobody refinishers in Maryland, is fully approvable. These reductions are needed for Maryland's 15% plans.

Definition of the Term "Motor Vehicle"
(COMAR 26.11.01B(20-I) and 26.11.24.01B(9-I))

These new provisions establish a definition for the term "motor vehicle" in Maryland's general definitions, COMAR 26.11.01B, and in Maryland's stage II vapor recovery regulation, COMAR 26.11.24. Maryland has defined the term "motor vehicle" as "a vehicle registered with the Maryland Motor Vehicle Administration or the equivalent agency of another state."

EPA Evaluation: These new provisions serve to strengthen Maryland's stage II vapor recovery regulation by clarifying the applicability and exemptions of that regulation. Because this added definition will clarify a regulation in Maryland's SIP, it is approvable.

EPA is approving these SIP revisions without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective September 18, 1997 unless, by September 3, 1997 adverse or critical comments are received.

If 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. 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 on September 18, 1997.

Final Action

EPA is approving revisions to the Maryland SIP to establish VOC control requirements for autobody refinishing and degreasing operations. These regulations achieve fully enforceable VOC emission reductions. EPA is also approving a definition for the term "motor vehicle" as an addition to the Maryland SIP.

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.

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 Regional 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 proposed/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 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 rule" 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, pertaining to revisions to the Maryland SIP establishing a definition for the term "motor vehicle" and establishing VOC control requirements for autobody refinishing and degreasing operations, must be filed in the United States Court of Appeals for the appropriate circuit by October 3, 1997. Filing a petition for reconsideration by the Regional 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, Ozone, Reporting and recordkeeping requirements.

Dated: July 22, 1997.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 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 V—Maryland

2. Section 52.1070 is amended by adding paragraphs (c)(122), (123), and (124) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(122) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Addition of new COMAR 26.11.01.01B(20-I) and new COMAR 26.11.24.01B(9-I), definition of the term "motor vehicle," adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.01.01B(20-I) and COMAR 26.11.24.01B(9-I), definition of the term "motor vehicle."

(123) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Deletion of old COMAR 26.11.19.09 Volatile Organic Compound Metal Cleaning (entire regulation).

(C) Addition of new COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing, adopted by the Secretary of the Environment on May 12, 1995, and effective on June 5, 1995, including the following:

(1) Addition of new COMAR

26.11.19.09.A Definitions.

(2) Addition of new COMAR 26.11.19.09.B Terms Defined, including definitions for the terms "cold degreasing," "degreasing material," "grease," "halogenated substance," "vapor degreasing," and "VOC degreasing material."

(3) Addition of new COMAR

26.11.19.09.C Applicability.

(4) Addition of new COMAR

26.11.19.09.D Requirements.

(5) Addition of new COMAR 26.11.19.09.E Specifications for Cold Degreasing and Requirements for Vapor Degreasing.

(6) Addition of new COMAR

26.11.19.09.F Records.

(ii) Additional material.

(A) Remainder of July 12, 1995

Maryland State submittal pertaining to COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing.

(124) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Addition of new COMAR 26.11.19.23 Control of VOC Emissions from Vehicle Refinishing, adopted by the Secretary of the Environment on May 1, 1995, and effective on May 22, 1995, including the following:

(1) Addition of new COMAR 26.11.19.23A Definitions, including definitions for the terms "base coat/clear coat system," "controlled air spray system," "mobile equipment," "multistage coating equipment," "precoat," "pretreatment," "primer sealer," "primer surfacer," "specialty coating," "topcoat," and "vehicle refinishing."

(2) Addition of new COMAR

26.11.19.23B. Applicability and Exemptions.

(3) Addition of new COMAR 26.11.19.23C. Coating Standards and General Conditions.

(4) Addition of new COMAR 26.11.19.23D. Calculations.

(5) Addition of new COMAR 26.11.19.23E. Requirements for Specialty Coatings.

(6) Addition of new COMAR 26.11.19.23F. Coating Application Equipment Requirements.

(7) Addition of new COMAR 26.11.19.23G. Cleanup and Surface Preparation Requirements

(8) Addition of new COMAR

26.11.19.23H. Monitoring and Records.

(ii) Additional material.

(A) Remainder of July 12, 1995

Maryland State submittal pertaining to COMAR 26.11.19.23 Vehicle Refinishing.

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BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 69–0012; FRL–5867–9]

Approval and Promulgation of Implementation Plans; Arizona—Maricopa County PM–10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving in part and disapproving in part the final *Plan for Attainment of the 24-hour PM–10 Standard—Maricopa County PM–10 Nonattainment Area*, (May 1997) (microscale plan) submitted by the Arizona Department of Environmental Quality on May 7, 1997. The microscale plan evaluates attainment of the 24-hour particulate matter (PM–10) national ambient air quality standard at four monitoring locations in the Maricopa County (Phoenix), Arizona, PM–10 nonattainment area. EPA is approving the attainment and reasonable further progress demonstrations for two of these sites (Salt River and Maryvale) and disapproving them for two other sites (West Chandler and Gilbert). EPA is also approving the reasonably available control measure/best available control measure demonstrations in the microscale plan for some significant source categories of PM–10 but disapproving them for others.

EFFECTIVE DATE: September 3, 1997.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Office of Air Planning