

(i) Describe the project fully, explain the process by which the Postal Service will solicit and consider input from the affected community, and solicit a working partnership with the community officials for the success of the project.

(ii) Emphasize that in meeting a need for increased space, the first priority is to expand the existing facility, the second priority is to find an existing building in the same area as the current facility, and the third option is to build on a new site that will be either owned or leased.

(iii) Ask that a Postal Service presentation of the project be placed on the regular agenda of a public meeting or hearing. If no such meeting is planned within the next 60 days or the agenda of a planned meeting cannot accommodate the project, the Postal Service will schedule a public hearing concerning the project and will advertise the hearing in a local general circulation newspaper.

(iv) Give the local officials a letter describing the intended project.

(2) Notify the lessor of the affected facility in writing.

(3) Send an initial appropriate press release to local news media.

(4) Except as provided herein, attend or conduct one or more public hearings to describe the project to the community, invite questions, solicit written comment, and describe the process by which community input will be considered. If it is known at the time that the existing facility is not able to be expanded or that expansion is impracticable, that fact will be disclosed and the project file documented as to the reasons expansion is not possible or practical. Exception: If circumstances prevent postal representatives from attending or conducting a public meeting or hearing on the planned project within a reasonable time, the Postal Service must distribute a notification card to all affected customers, seeking their comment or other feedback. In addition, if the decision is to distribute notification cards, the project file must document the circumstances that prevented postal representatives from conducting or attending a public hearing or meeting within a reasonable time; in no event shall a lack of public interest or objection constitute a qualifying circumstance.

(5) Review comments and notify local officials of decision. After the date of the most recent public meeting or the date of distribution of notification cards, make a decision (e.g., relocation to another building, new construction, or expansion of the existing facility) that

takes into account community input and is consistent with prudent business practices and postal objectives, and notify local officials in writing. Take no action on the decision for at least 15 days following notification of local officials.

(6) Advertise for sites and existing buildings, in accordance with the decision.

(d) *New site or existing buildings—historic preservation.* (1) It is the policy of the Postal Service, by virtue of Board of Governors Resolution No. 82-7, to comply with Section 106 of the general provisions of the National Historic Preservation Act, (16 U.S.C. 470 *et seq.*), Executive Order 13006, and, through it, Executive Order 12072. Therefore, when the decision is to relocate to another existing building, that building will be selected in accordance with Section 106 of the National Historic Preservation Act and applicable provisions of the executive orders identified above.

(2) When the decision is to advertise for sites and existing buildings, once such sites have been identified, advise local officials of all contending sites and with respect to all sites not selected, provide an explanation.

(3) Once a site or existing building has been selected, notify local officials of the selection decision.

(4) Take no final action to acquire or lease the new location for 15 days.

(e) *Planning, zoning, building codes.* It is the policy of the Postal Service to comply with local planning and zoning requirements and building codes to the maximum extent feasible consistent with postal needs and objectives. To promote a partnership with local officials and ensure conformance with local building codes, plans and drawings will be sent to appropriate building department or other officials for review. The Postal Service will give local public officials written notice of any timely, written objections or recommendations that it does not plan to adopt or implement.

(f) *Continuing communication.* During construction, whether renovation or new construction, the postmaster will keep local officials and the community informed via letters and news releases. The postmaster and other postal officials will plan, conduct, and invite the community and local officials to any "grand opening."

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-12064 Filed 5-6-98; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA041-4069; FRL-6009-3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conditional Limited Approval of the Pennsylvania VOC and NO_x RACT Regulation; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the amendatory instruction in a final rule pertaining to the Pennsylvania VOC and NO_x RACT Regulation.

EFFECTIVE DATE: April 22, 1998.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 566-2180 or by e-mail at stahl.cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA published a document on March 23, 1998 (63 FR 13789) inadvertently adding paragraph (e) to § 52.2026 when that paragraph already existed. The intent of the rule was to amend that section by adding a paragraph (f). This document corrects the erroneous amendatory language.

Correction

In the final rule published in the **Federal Register** on March 23, 1998 (63 FR 13789), on page 13794 in the third column, the fourth amendatory instruction is corrected to read—"4. Section 52.2026 is amended by adding a paragraph (f) to read as follows:" and the new text is designated as paragraph (f).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action is not subject to notice-and-comment requirements under the

Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule for the Pennsylvania VOC and NOx RACT Regulation is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: April 27, 1998.

Andrew Carlin,

Acting Regional Administrator, Region III.

[FR Doc. 98-11878 Filed 5-6-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 156

[OPPTS-00238; FRL-5785-2]

Labeling Requirements for Pesticides; Respirator Compliance Policy Statement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) has developed changes to the regulations at 42 CFR part 84 that set forth certification standards for non-powered air-purifying particulate respirators. EPA has determined that all 42 CFR part 84 respirators meet or exceed all 30 CFR part 11 respirator (hereinafter part 11 and part 84 respirators) requirements, and that respirators certified under part 84 will be considered the equivalent of a respirator certified under part 11. EPA will allow pesticide handlers to use either part 11 or part 84 respirators to satisfy non-powered, air-purifying respirator requirements for pesticide applications. The Agency will publish an amendment to 40 CFR 156.212 to reflect the NIOSH changes in particulate respirator designations and a Pesticide Registration (PR) Notice to direct registrants on how to modify product labels.

EFFECTIVE DATE: This document is effective April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Yvette Hellyer, Toxics and Pesticides Enforcement Division (2245A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-564-4033, E-mail: hellyer.yvette@epa.gov; or, Judy Smith, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 703-305-5621, E-mail: smith.judy@epa.gov.

I. Background

On July 10, 1995, NIOSH modified its existing regulation, 30 CFR part 11, and changed the certification standards for non-powered, air-purifying particulate filters. The NIOSH change was made to update and upgrade certification tests developed in the 1930's by the Bureau of Mines. The new regulation, 42 CFR part 84, requires that respirators certified under 42 CFR part 84 undergo a different test using a more penetrating particle size than in the past and takes into account the presence of oil in the contaminant.

The NIOSH certification changes require that manufacture and certification of part 11 respirators cease on July 10, 1998; however, distributors and other respiratory protection product sellers can continue to sell their existing supplies. In terms of additional NIOSH certification changes, canister type respirators that are certified for use with pesticides will not be made after July 10, 1998. Combination respirators, those certified for use for paints and pesticides, will also not be made after July 10, 1998. Certification requirements for all other respirator types, such as powered air-purifying respirators (PAPR) were transferred from 30 CFR part 11 to 42 CFR part 84 without change.

To minimize the impact of the manufacturing transition from part 11 to part 84 respirators, all particulate respirator manufacturers now sell part 84 respirators and are now phasing out part 11 respirators. Manufacturers cannot precisely estimate when the existing supply of part 11 respirators will be exhausted, but a general consensus in the industry estimates this will occur in 3 years.

II. NIOSH Certification Changes and EPA Determination

NIOSH certifies part 84 respirators using a more rigorous testing method, and EPA has determined that part 84 respirators provide at least as much protection to pesticide handlers,

applicators, and users as part 11 respirators. As a result, a pesticide user may substitute a part 84 non-powered, air-purifying particulate respirator for a part 11 respirator even though the pesticide product label requires use of a part 11 respirator, and EPA will not initiate an enforcement action for misuse of the product. This substitution will only be allowed until the pesticide product label change from part 11 to part 84 respirator requirements have been completed. Following the pesticide product label change to part 84 respirators, this substitution will no longer apply.

III. Information for Registrants

EPA plans to require label changes for pesticide products because of the NIOSH certification changes, and this will impact pesticide registrants. EPA will issue a Pesticide Registration (PR) Notice that will call for registrants to add 42 CFR part 84 language to the existing respirator language (30 CFR part 11) on current product labels. The Agency also intends to amend 40 CFR 156.212 to incorporate the new NIOSH designations for dust/mist filtering respirators and organic vapor-removing cartridge respirators. The revised rule will affect the pesticide product labels with part 11 respirator requirements, i.e., those requiring either a Mine Safety and Health Administration (MSHA)/NIOSH-approved dust filtering respirator (known as a TC-21C) or a MSHA/NIOSH-approved organic vapor removing cartridge respirator with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), and will require the addition of 42 CFR part 84 language to the product label.

IV. Information for Pesticide Applicators

Given that both part 11 or part 84 respirators meet respiratory protection requirements for pesticide products, the Agency is confident that allowing pesticide handlers to use part 84 respirators will assure applicators of an adequate supply of acceptable respirators.

V. Compliance and Enforcement

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 12(a)(2)(G) states that it is unlawful "to use any registered pesticide in a manner inconsistent with its labeling." EPA has determined that both part 11 or part 84 respirators will provide adequate protection for users. Therefore, EPA considers the part 84 respirator to be the equivalent of part 11 respirators for the purpose of complying with the label of