

*Executive Order 13132—Federalism*

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations “consistent with” regulations issued by the Secretary pursuant to SMCRA.

*Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy*

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

*National Environmental Policy Act*

This rule does not require an environmental impact statement because 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 certifies 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. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart 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. 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 counterpart Federal regulations.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This

determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

*Unfunded Mandates*

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

**List of Subjects in 30 CFR Part 918**

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 25, 2002.

**Ervin J. Barchenger,**

*Acting Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, 30 CFR Part 918 is amended as set forth below:

**PART 918—LOUISIANA**

1. The authority citation for Part 918 continues to read as follows:

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

2. Section 918.15 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

**§ 918.15 Approval of Louisiana regulatory program amendments.**

\* \* \* \* \*

| Original amendment submission date | Date of final publication | Citation/description                                                           |
|------------------------------------|---------------------------|--------------------------------------------------------------------------------|
| *                                  | *                         | *                                                                              |
| August 3, 2001                     | February 26, 2002.        | LSMR Sections 105, 1105, 1107.B through F, 1109, 2111.A.8, 2113.B.4, and 2323. |

[FR Doc. 02-4516 Filed 2-25-02; 8:45 am]

BILLING CODE 4310-05-P

**POSTAL SERVICE****39 CFR PART 111****Price of Semipostal Stamps**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the *Domestic Mail Manual* (DMM) provisions relating to the pricing of semipostal stamps. This final rule implements legislative changes to the semipostal program and amends the *Domestic Mail Manual* provisions relating to the pricing and use of semipostal stamps.

**DATES:** This rule is effective on March 23, 2002.

**Applicability date:** DMM P022.1.6(b) and R000.4.0 (last paragraph) are applicable on the date when the *Heroes* semipostal stamp is made available for purchase.

**ADDRESSES:** Questions about this rule may be addressed to the Manager, Stamp Services, ATTN: Semipostal Stamp Program DMM Rules, 475

L'Enfant Plaza SW, Room 5670,  
Washington, DC 20260-2435.

**FOR FURTHER INFORMATION CONTACT:**  
Cindy Tackett (202) 268-6555.

**SUPPLEMENTARY INFORMATION:** The Postal Service is amending Sections P014, P022, and R000 of the DMM to reflect the enactment of the following two acts: the Semipostal Authorization Act, Public Law No. 106-253, 114 Stat. 634 (2000) and the 9/11 Heroes Stamp Act of 2001, Public Law No. 107-67, § 652, 115 Stat. 514 (2001). This notice also adopts DMM standards implementing the decision of the Governors of the United States Postal Service on the prices of the *Breast Cancer Research* semipostal stamp (BCRS) and the *Heroes* semipostal stamp.

### Background

The Semipostal Authorization Act authorizes the Postal Service to establish a 10-year program to sell semipostal stamps. The 10-year period begins on the date that the Postal Service begins to sell the selected semipostal stamps to the public.

Public Law No. 107-67 extends the sales period of the BCRS until the end of 2003 and directs the Postal Service to issue a semipostal stamp to provide assistance to families of the emergency relief personnel killed or permanently disabled in connection with the terrorist attacks of September 11, 2001. The *Heroes* semipostal stamp is to be issued as soon as practicable and may remain on sale through December 31, 2004. Funds raised in connection with this semipostal stamp are to be transferred to the Federal Emergency Management Agency.

Under 39 U.S.C. 414 and 416, the Governors are authorized to determine the price of the BCRS stamp and other semipostal stamps. On January 8, 2002, the Governors voted to change the price of the BCRS from 40 cents to 45 cents. The Governors also voted to set the price of the *Heroes* semipostal stamp at 45 cents. The new price of the BCRS is effective on March 23, 2002. The price of the *Heroes* semipostal stamp is effective on the date of the stamp's issuance, which is yet to be determined.

The refund provisions of Section P014 of the DMM are amended to apply to all existing and future semipostal stamps. In addition, the provisions of DMM P022 are amended to reflect the price change for the BCRS and the introduction of the *Heroes* semipostal stamp. Certain provisions of DMM P022 are revised to apply to all semipostal stamps. DMM R000 is amended to reflect the prices and postage values of the BCRS and the *Heroes* semipostal stamp.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding rulemaking by 39 U.S.C. 410(a), the Postal Service hereby amends the following standards of the DMM, incorporated by reference into the Code of Federal Regulations. See 39 CFR part 111.

### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

For the reasons set out in the preamble, 39 CFR part 111 is amended as follows:

### PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 is revised to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise the following sections of the *Domestic Mail Manual* as set forth below:

*Domestic Mail Manual (DMM)*

\* \* \* \* \*

### P Postage and Payment Methods

\* \* \* \* \*

#### P000 Basic Information

\* \* \* \* \*

#### P010 General Standards

\* \* \* \* \*

#### P014 Refunds and Exchanges

\* \* \* \* \*

### 2.0 POSTAGE AND FEES REFUNDS

\* \* \* \* \*

[Revise the heading and text of 2.10 to read as follows:]

#### 2.10 Semipostal Stamps

Customers may exchange or convert semipostal stamps for their postage value (i.e., the price of the stamps less the contribution amount) to the extent exchange or conversion of postage stamps is permitted under P014. The postage the customer exchanges or converts is equal to the First-Class Mail single-piece rate in effect at the time of exchange. However, if the customer provides a receipt showing the date of purchase, the postage exchanged or converted is equal to the First-Class Mail single-piece rate in effect at the time of purchase. The contribution amount is not refundable and is not included in the exchange or conversion value.

\* \* \* \* \*

#### P020 Postage Stamps and Stationery

#### P022 Postage Stamps

### 1.0 PURCHASE AND USE

\* \* \* \* \*

[Revise the heading and text of 1.6 to read as follows:]

#### 1.6 Semipostal Stamps

Semipostal stamps are subject to special limitations and conditions:

a. Semipostal stamps are stamps that are sold for a price that exceeds the postage value of the stamp. The difference between the price and postage value of semipostal stamps, also known as the differential, less an offset for the Postal Service's reasonable costs, as determined by the Postal Service, is a contribution for a specific cause. Semipostal stamps provide a means for customers to contribute to specific causes. Semipostal stamps are offered for sale for a limited time as provided by law or by the Postal Service.

b. A brief description of semipostal stamps follows:

1. The price of the *Breast Cancer Research* semipostal stamp (BCRS) is 45 cents. The difference between the purchase price and the First-Class Mail nonautomation single-piece first-ounce letter rate in effect at the time of purchase constitutes a contribution to breast cancer research and cannot be used to pay postage. Funds (net of the Postal Service's reasonable costs) raised in connection with the BCRS are transferred to the Department of Defense and the National Institutes of Health.

2. The price of the *Heroes* semipostal stamp is 45 cents. The difference between the purchase price and the First-Class Mail nonautomation single-piece first-ounce letter rate in effect at the time of purchase is a contribution to provide assistance to the families of the emergency relief personnel killed or permanently disabled in connection with the terrorist attacks of September 11, 2001, and cannot be used to pay postage. Funds (net of the Postal Service's reasonable costs) raised in connection with the *Heroes* semipostal stamp are transferred to the Federal Emergency Management Agency.

c. The postage value of each semipostal stamp is the First-Class Mail nonautomation single-piece first-ounce letter rate in R100.1.2 that is in effect at the time of purchase. Additional postage must be affixed to pieces weighing in excess of 1 ounce, pieces subject to the nonstandard surcharge, or pieces for which special services have been elected. The postage value of semipostal stamps is fixed according to the First-Class Mail nonautomation single-piece

first-ounce letter rate in effect at the time of purchase; the postage value of semipostal stamps purchased before any subsequent change in the First-Class Mail nonautomation single-piece first-

ounce letter rate is unaffected by any subsequent change in that rate.

\* \* \* \* \*

## R Rates and Fees

R000 Stamps and Stationery

\* \* \* \* \*

[Revise the table in item 4.0 as follows:]

| Form per purpose                                | Denomination                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * * * * *                                       |                                                                                                                                                                                                                                                                                                                             |
| Breast Cancer Research, Panes of up to 20 ..... | Purchase price of \$0.45; postage value equivalent to First-Class Mail nonautomation single-piece rate (currently \$0.34); remainder is contribution to fund breast cancer research.                                                                                                                                        |
| Heroes, Panes of up to 20 .....                 | Purchase price of \$0.45; postage value equivalent to First-Class Mail nonautomation single-piece rate (currently \$0.34); remainder is contribution to provide assistance to the families of the emergency relief personnel killed or permanently disabled in connection with the terrorist attacks of September 11, 2001. |

\* \* \* \* \*

An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02-4213 Filed 2-25-02; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 249-0329; FRL-7146-7]

### Revisions to the California State Implementation Plan, Bay Area Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of a revision to the Bay Area Air Quality Management District's (BAAQMD) portion of the California State Implementation Plan (SIP). This revision was proposed in the **Federal Register** on September 12, 2001 and concerns volatile organic compound (VOC) emissions from adhesives and sealants. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**EFFECTIVE DATE:** This rule is effective on March 28, 2002.

**ADDRESSES:** You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revision at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

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

#### FOR FURTHER INFORMATION CONTACT:

Yvonne Fong, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX, (415) 947-4117.

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

#### I. Proposed Action

On September 12, 2001 (66 FR 47419), EPA proposed to approve the following rules into the California SIP.

| Local agency                                          | Rule No. | Rule title                                        | Adopted  | Submitted |
|-------------------------------------------------------|----------|---------------------------------------------------|----------|-----------|
| BAAQMD .....                                          | 8-51     | Adhesive and Sealant Products .....               | 05/02/01 | 05/31/01  |
| South Coast Air Quality Management District (SCAQMD). | 443.1    | Labeling of Materials Containing Organic Solvent. | 12/05/86 | 06/09/97  |

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements.

On September 12, 2001 (66 FR 47392), we also published a direct final approval of the above rules because we believed that the rules were not controversial.

## II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we did not receive comments on SCAQMD Rule 443.1. The direct final approval became effective and SCAQMD Rule 443.1 was incorporated

into the SIP on November 13, 2001. During the comment period, we did receive comments regarding BAAQMD Rule 8-51. As a result, we removed our direct final action for BAAQMD Rule 8-51 on November 15, 2001 (66 FR 57387). We received comments from the following parties.

1. Mark Chytilo, Counsel for TRANSDEF, a Bay Area community group; letter dated October 12, 2001.

2. Julia May, Lead Scientist for Communities for a Better Environment (CBE); letter dated October 12, 2001.

The comments and our responses are summarized below.

*Comment 1:* Both parties comment that handheld aerosol adhesives, if

exempted by the BAAQMD, will be exempt from emission controls because the Air Resources Board's (ARB) Consumer Products regulation (California Code of Regulations Title 17 Sections 94507-94528) has not been approved into the SIP. The provisions controlling these products are removed from the local regulation without adequate replacement provisions which violates CAA requirements regarding enforceability and backsliding. TRANSDEF also questioned BAAQMD's ability to regulate adhesives in general and requested clarification from EPA.

*Response 1:* On November 4, 1999 (64 FR 60109), EPA originally incorporated a version of BAAQMD Rule 8-51 into