

issued a decision recommending the elimination of the E-COM service offering from the DMCS. The Governors of the Postal Service approved the recommended decision on July 10, 1985, and the Board of Governors set September 3, 1985, as the effective date of the changes. The changes in the DMCS which are published in this order reflect the Governors' decision, and became effective September 3, 1985. Consistent with the Commission's explanation in the rulemaking (Docket No. RM85-1) which lead to the publication of the DMCS in the **Federal Register**, these changes are published as final rules, since procedural safeguards and an ample opportunity to have different viewpoints considered has already been afforded to all interested persons. See 50 FR 21629 (May 28, 1985).

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 3603, 3622, 3823, 84 Stat. 759-761; (5 U.S.C. 553), 80 Stat. 383, unless otherwise noted.

2. The following changes in the Domestic Mail Classification Schedule published as Appendix A to Subpart C (39 CFR 3001.61 through 3001.67) of the Commission's rules of practice and procedure are adopted:

a. Sections 100.024, 100.044, 100.045, 100.051, 100.052, 100.0521, 100.0522 and 100.101 and Rate Schedule 104 are removed.

b. Section 100.020 is amended to read as follows:

100.020 Regular Mail

Regular First-Class Mail consists of mailable matter posted at First-Class regular rates, weighing 12 ounces or less, and not mailed or eligible for mailing under sections 100.0201, 100.021, 100.0211, 100.022, 100.0221, or 100.023.

c. Section 100.08 is amended to read as follows:

100.08 Ancillary Services.

100.080 First-Class Mail, except as otherwise noted, will receive the

following additional services upon payment of appropriate fees:

	<i>Classification schedule</i>
a. Address correction.....	SS-1.
b. Business reply mail (except ZIP + 4 rate category mail).	SS-2.
c. Certificates of mailing	SS-4.
d. Certified mail.....	SS-5.
e. C.O.D.....	SS-6.
f. Insured mail.....	SS-9.
g. Registered mail (except ZIP + 4 rate category mail).	SS-14.
h. Special delivery	SS-17.
i. Merchandise return.....	SS-20.

d. In section 100.090, remove "e. Electronic Computer Originated Mail 104" and redesignate "f. Fees 1000" to become "e. Fees 1000."

e. In Rate Schedule 1000, remove the following:

First-Class Mailing Fee	50.00
E-COM Annual Fee	

By the Commission.

Cyril J. Pittack,
Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action IA 1582; A-7-FRL-2895-9]

Approval and Promulgation of Implementation Plans; State of Iowa; New Source Review Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On July 18, 1984, the State of Iowa submitted revisions to their air pollution control regulations. The purpose of these revisions is to cure deficiencies in the State's preconstruction review procedures that would be applicable in nonattainment areas. Today's notice takes final action to approve these revisions. However, EPA is temporarily deferring action on certain unapprovable provisions of these regulations which deal with emission offsets. EPA's temporary deferral action is warranted because the State has provided a written commitment and schedule to propose, adopt and submit appropriate revisions to correct these deficiencies.

DATE: This action is effective September 12, 1985.

ADDRESSES: The State submittal is available for inspection during normal

business hours at the following locations:

Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, DC 20460

Iowa Department of Water, Air and Waste Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, DC

FOR FURTHER INFORMATION CONTACT:

Larry A. Hacker at (913) 236-2893 or FTS 757-2893.

SUPPLEMENTARY INFORMATION: On March 6, 1980, EPA disapproved a portion of the Iowa Part D State Implementation Plan (SIP) because the State had no adequate means of preventing major sources of carbon monoxide (CO) from constructing in violation of section 173 of the Clean Air Act. A CO construction ban went into effect on July 1, 1979, and will remain in effect until the SIP is fully approved.

The regulations in question were in Chapter 3 of the regulations of the Iowa Department of Environmental Quality (IDEQ). On July 1, 1983, the IDEQ was merged with other State agencies to form the Iowa Department of Water, Air and Waste Management (IDWAWM). The IDWAWM air quality rules are now codified at Department 900, Title II, Chapters 20 through 39. The IDEQ Chapter 3 regulations are now in IDWAWM Department 900, Chapter 22. The recodification of these rules did not change any substantive SIP requirements, but merely incorporated the new numbering system.

In an effort to cure their SIP deficiency, and to rescind the construction ban, the State submitted revised new source review regulations on July 18, 1984. The State's submittal letter requested EPA to act on all revisions to Chapter 22 that were adopted in 1980 and 1982. Therefore, this final rulemaking essentially addresses all of Chapter 22.

On August 25, 1983 (48 FR 38742), EPA proposed revisions to 40 CFR Parts 51 and 52 affecting *federal enforceability* and the *crediting of source shutdowns and curtailments* as offsets in nonattainment areas among other proposed changes. EPA proposed these changes in response to the terms of a settlement agreement between EPA and a number of industries and trade associations challenging the relevant

EPA regulations. *Chemical Manufacturers Association (CMA) v. EPA*, D.C. Cir. No. 79-1112 (Settlement agreement entered into February 22, 1982).

During its rule revision process, the State anticipated that EPA would promulgate the CMA revisions and adopted regulations which are consistent with EPA's proposed CMA revisions, but are not consistent with the current EPA requirements. As a result, three subrules of the Chapter 22 regulations are unapproved as they relate to federal enforceability and the crediting of source shutdown and curtailment as emission offsets.

Subrule 22.5(4)g allows offset credit for reduced operating hours, if the reduced operating hours are included in the permit and the reduction occurred after January 1, 1978; and the work force is notified of the curtailment. This rule is inconsistent with § 51.18(j)(3)(ii)(c) because it does not provide that credit may be given for past curtailments only if the new source is a replacement for the curtailed source.

Subrule 22.5(4)i allows offset credit for closing of an existing source or plant. The source owner or operator is required to notify the work force of the proposed shutdown. This rule is inconsistent with § 51.18(j)(3)(ii)(c) because it does not provide that credit may be given for past shutdowns only if the new source is a replacement for the shutdown source.

Subrule 22.5(4)j allows external offsets, i.e., from sources not owned or controlled by a source seeking such offsets. Credit may be allowed provided the external source's permit is amended to require the emission reduction or a consent order is entered into by IDWAWM and the existing sources. This subrule is not approved because it does not require that State issued consent orders be federally enforceable in order to obtain offset credit, which is a requirement of § 51.18(j)(3)(ii)(e).

On November 20, 1984, EPA addressed the Chapter 22 regulations in a notice of proposed rulemaking (49 FR 45761). A complete review of these regulations is included in the November 20 proposal. There have been no subsequent changes to these regulations; therefore, EPA's review will not be restated in this notice. The proposal discussed the emission offset rule deficiencies and stated that these issues had to be resolved before EPA could take final action. The remainder of the Chapter 22 regulations were proposed for approval in so far as they pertained to requirements of the Clean Air Act.

The November 20 proposal also mentioned that the State must make an

enforceable commitment not to use the exemption provisions of Rule 900-22.1 to exempt any major source or major modification from review before EPA could take final action to approve the Chapter 22 rules. Upon further review of these rules, EPA has determined that such a commitment is not needed. Subrule 22.1(2) specifically states that the exemption provisions do not apply to sources which are subject to the nonattainment area requirements of Rule 22.5. Because Rule 22.5 requires permits for all major sources and major modifications in nonattainment areas, no major sources or major modifications in those areas will be exempt from review under subrule 22.1(2). Therefore, no additional State commitment is required.

The State submitted the only public comments in response to the proposal. They requested partial, if not full, approval of their revised rules.

To remedy the emission offset issue, and to allow EPA to take final action, the State provided a written commitment and schedule, dated May 14, 1985, to propose, adopt, and submit appropriate revisions to their emission offsets rule by November 1985. Therefore, EPA will temporarily defer action on the affected portions of the State's emission offsets rule. Until EPA takes final action to approve these offset provisions, the State cannot allow any offset credit for source shutdown or curtailment, or for external offsets.

EPA's notice of proposed rulemaking mentioned several provisions of the Chapter 22 regulation which are not relevant to, and therefore not addressed by, this final action. These regulations contain permit requirements for anaerobic lagoons which are intended to control odor emissions. EPA has no authority to require odor control regulations and has no odor standards. For that reason, EPA does not address the IDWAWM regulations insofar as they pertain to the control of odor emissions from anaerobic lagoons. Rule 900-22.6(455B), *Nonattainment area designations*, is not addressed because it is not a requirement of section 110 of the Act. Rule 900-22.7(455B), *Alternative emissions control program*, is not addressed because this rule was not submitted as a SIP revision.

EPA Action

In today's notice, EPA takes final action to approve the IDWAWM, Department 900, Chapter 22 air pollution control rules, with the exception of Subrules 22.5(4) g, i, and j, which pertain to emission offsets. EPA is temporarily deferring action on the aforementioned subrules. The CO construction ban will

remain in effect until the State adopts appropriate revisions to its offset rules and the SIP is fully approved by EPA.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, as amended, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Iowa was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 6, 1985.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.820 is amended by adding paragraphs (c)(43) and (c)(44) as follows:

§ 52.820 Identification of plan.

* * *

(c) * * *

(43) On July 1, 1983, the State's air pollution control regulations were recodified at Department 900, Title II, Chapters 20 through 29.

(44) Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, were submitted on July 18, 1984, by the Iowa Department of Water, Air and Waste Management. Subrules 22.5(4) g, i, and j remain unapproved. EPA will temporarily defer action on these subrules pending a May 14, 1985, commitment from the State to submit appropriate revisions.

(i) *Incorporation by reference.* Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, adopted by the State on July 17, 1984.

(ii) *Additional material.* May 14, 1985, letter of commitment from the State to

revise unapprovable portions of their Chapter 22 air pollution regulations.

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40 CFR Part 52

[A-1-FRL-2895-6]

Approval and Promulgation of Implementation Plans; Connecticut; Certification of No Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is codifying the certifications that no Air Oxidation Processes in any Synthetic Organic Chemical Manufacturing Industry or any Natural Gas/Gasoline Processing Plants are located in the State of Connecticut. The intended effect of this action is to provide this information in 40 CFR Part 52, as justification for the fact that the Connecticut State Implementation Plan (SIP) does not contain reasonably available control technology (RACT) requirements for these sources.

EFFECTIVE DATE: This action will be effective 60 days from the date of publication unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223-4868.

SUPPLEMENTARY INFORMATION: EPA requires states with areas which could not attain the National Ambient Air Quality Standard for ozone by 1982 to adopt RACT on sources of volatile organic compounds (VOCs). EPA has published a series of Control Technique Guidelines (CTGs) which define RACT for various VOC source categories. In response to the CTGs for Natural Gas/Gasoline Processing Plants and Air Oxidation Processes in any Synthetic Organic Chemical Manufacturing Industry (SOCMI), the Connecticut Department of Environmental Protection has certified by letters to EPA dated April 24, 1985 and May 15, 1985 that no sources in these categories are located within the state. EPA is accepting DEP's certifications and codifying the information at 40 CFR 52.375 as justification for the fact that the

Connecticut SIP does not contain RACT regulations for Natural Gas/Gasoline Processing Plants or for Air Oxidation Processes in any SOCMI.

EPA is codifying this information without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective November 12, 1985.

Final Action

EPA is codifying information certifying that no Natural Gas/Gasoline Processing Plants or Air Oxidation Processes in any SOCMI are located in the State of Connecticut at 40 CFR 52.375.

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, and Incorporation by reference.

Dated: September 6, 1985.

Lee M. Thomas,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart H—Connecticut

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.375, is revised to read as follows:

§ 52.375 Certification of no sources.

The State of Connecticut has certified to the satisfaction of EPA that no sources are located in the state which are covered by the following Control Technique Guidelines:

- (a) Large Petroleum Dry Cleaners.
- (b) Natural Gas/Gasoline Processing Plants.
- (c) Air Oxidation Processes/SOCMI.

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40 CFR Part 65

[A-6-FRL-2886-5]

Administrative Orders Permitting a Delay in Compliance With Texas State Implementation Plan Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) proposed on May 16, 1985, (at 50 FR 20455) to approve a Delayed Compliance Order (DCO) issued by the Texas Air Control Board (TACB) to Princeton Packaging, Incorporated (Princeton), Dallas, Dallas County, Texas, on December 7, 1984. This action provides final approval for this DCO. The DCO requires Princeton to bring air emissions of volatile organic compounds from their flexographic printing processes into compliance with the Texas State Implementation Plan (SIP) by December 31, 1985. The SIP required compliance by December 31, 1982. Dallas County is presently not attaining the National Ambient Air Quality Standard for ozone. Because the order has been issued to a "major" stationary source and permits delay in compliance with the Texas SIP, the Clean Air Act requires it to be approved by EPA before it can become effective. Since it is now approved by EPA, the DCO constitutes an addition to the Texas SIP. In addition, a source in compliance with an approved DCO may not be sued under the federal enforcement or citizen suit provisions of the Clean Air Act for violations of SIP provisions covered by the DCO.