advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning this interim rule.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, Postal service.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

Subchapter 620—Amended

2. Subchapter 620 of the International Mail Manual, Issue 16, is amended as follows:

6 Special Programs

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620 International Package Consignment Service

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622 Qualifying Customers

To qualify, a customer must enter into a service agreement containing the commitments stipulated in 625.2 and must be able to meet the general and destination country-specific preparation requirements stipulated in 620 and the Individual Country Listings.

Once a customer qualifies for IPCS and has started mailing into a destination country, then the minimum volume requirement for entry into any other country is reduced to 5,000 packages a year. To be considered qualified, customers must meet the following criteria: satisfy the minimum volume requirement for their destination country, have its information systems linked with the Postal Service's; and have transportation in place between the customer and the Postal Service. The customer must still enter into a separate service agreement for each destination country to which it wants to use IPCS and designate the Postal Service as its carrier of choice to that destination country.

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625 IPCS Service Agreements

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625.2 Required Provisions

Each service agreement must contain the following:

a. The customer's commitment to send at least 25,000 packages to Japan or Canada (or 10,000 to the United Kingdom) by IPCS during the next 12 months. However, once a customer enters into an IPCS agreement to one destination country and begins mailing, then that customer may enter other destination countries by committing to mail at least 5,000 packages to the other destination countries. A customer's failure to meet the original volume requirements may result in termination, by the Postal Service, of the right to mail to other destination countries.

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Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96–17600 Filed 7–10–96; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 157–0010; AD–FRL–5524–2]

Approval and Promulgation of Implementation Plan for Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating approval of the new source review (NSR) program submitted by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) for the purpose of meeting the nonattainment and prevention of significant deterioration (PSD) NSR requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The intended effect of this rulemaking is to regulate air pollution in accordance with the Act. Thus, EPA is finalizing the approval of these revisions into the California state implementation plan (SIP) under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: August 12, 1996.

ADDRESSES: Copies of MBUAPCD's submittals and other supporting information used in developing this final approval are available for inspection during normal business hours at the following location: U.S. EPA, Region IX, Air & Toxics Division (A–5–1), 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Steve Ringer at (415) 744–1260.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The air quality planning requirements for nonattainment NSR are set out in Part D of Title I of the Act, with implementing regulations at 40 CFR 51.160 through 51.165. The air quality planning requirements for PSD are set out in Part C of Title I of the Act, with implementing regulations at 40 CFR 51.166. On August 10, 1995, MBUAPCD submitted its NSR rules to EPA as a proposed revision to the SIP. On April 22, 1996, EPA proposed to approve with contingencies, and to disapprove in the alternative, the submitted SIP revisions. See 61 FR 17675. Full approval as a final action was contingent upon MBUAPCD making required changes to the submitted rules. EPA requested public comments on the proposed approval and received none. MBUAPCD has since submitted to EPA, revised NSR rules which contain the required changes. EPA is therefore promulgating final approval of the revised rules. The specific changes that MBUAPCD made to its rules are detailed below.

The MBUAPCD Governing Board held a public hearing on March 20, 1996 to entertain public comment on its revised NSR rules. The Board adopted the rules on the same date and the rules were submitted by the State to EPA on May 10, 1996 as a revision to the SIP. The SIP revision was reviewed by EPA and determined to be complete on May 22, 1996.

In its April 22, 1996 proposed approval, EPA identified two deficiencies in MBUAPCD's August 10, 1995 submittal which had to be corrected as a condition of full approval. At that time, MBUAPCD had proposed draft rules which corrected the deficiencies. EPA's technical support document (TSD) for the April 22, 1996 proposed approval contains a discussion of how MBUAPCD's proposed draft rules would correct the deficiencies, as well as how they would meet the general NSR requirements of the Act. MBUAPCD's May 10, 1996 submittal is substantially similar to the draft rules upon which EPA based its proposed approval. Below is a discussion of the portions of MBUAPCD's May 10, 1996 submittal which correct the deficiencies identified by EPA.

Corrected Deficiencies

Rule 207, Section 4.2.9: In its April 22, 1996 proposed approval, EPA specified that this section must be revised to require ''that any emission reduction required as a precondition of the issuance of a permit shall be made

federally enforceable prior to permit issuance''. Accordingly, MBUAPCD modified this section of its rules such that the May 10, 1996 submittal contains the following language: ''All emission reductions must be identified and enforceable prior to issuance of the Authority to Construct.'' This language satisfies EPA's requirement.

Rule 207, Section 4.3.3.2: EPA specified that this section must be revised to require ''that emission reductions obtained from another nonattainment area may be used only if (A) the other area has an equal or higher nonattainment classification than the area in which the source is located, and (B) emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.'' Accordingly, MBUAPCD's May 10, 1996 submittal contains a new section 4.3.3.2.2 with the following language: ''The offsets may only be obtained from an upwind area that has been designated by EPA to have a nonattainment status equal to or more serious than the North Central Coast air basin.'' and a new section 4.3.3.2.3 with the following language: ''The offsets may only be obtained from an upwind area that could contribute to violations of the national ambient air quality standards in the North Central air basin.'' This language satisfies EPA's requirement.

Final Action and Implications

EPA is promulgating final approval of MBUAPCD's NSR program as submitted on May 10, 1996. This submittal consists of MBUAPCD's Rules 207 (Review of New and Modified Sources) and 215 (Banking of Emission Reductions)

EPA did not receive any comments on the changes detailed above that were necessary to make MBUAPCD's program fully approvable. The scope of this approval applies to all new or modified sources (as defined in the program) within the Monterey Bay Unified Air Pollution Control District.

Administrative Review

Copies of MBUAPCD's submittal and other information relied upon for this final approval are contained in docket number NSRR 2–96 MBUAPCD, at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in development of this final approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for a revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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, parts C and D of the 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, I certify 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256–66 (S.Ct 1976); 42 U.S.C. 7410(a)(2).

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 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 the private sector, of $100 million or more. EPA has determined that the approval proposed in this notice does not include such a federal mandate, as this proposed federal action would approve pre-existing requirements under state or local law, and would impose no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Prevention of significant deterioration, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 31, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(231) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(231) New and amended regulations for the following APCDs were submitted on May 10, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Monterey Bay Unified APCD.

(*1*) Rules 207 and 215, adopted on March 20, 1996.

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[FR Doc. 96–17643 Filed 7–10–96; 8:45 am]

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40 CFR Part 52

[TN–167–9627a; FRL–5529–3]

Control Strategy: Ozone (O_3); Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving an exemption request from the oxides of nitrogen (NO_X) reasonably available control technology (RACT) and conformity requirements of the Clean Air Act as amended in 1990 (CAA) for the five county Middle Tennessee (Nashville) moderate ozone (O_3) nonattainment area. The request for a NO_X RACT and conformity exemption was submitted on March 21, 1995, by the State of Tennessee through the Tennessee Department of Environment and Conservation (TDEC). The exemption request is based upon the