

The Postal Service therefore amends part 241 of title 39 of the CFR to set forth, without substantive amendment, the current approval authority for post office discontinuance proposals.

**List of Subjects in 39 CFR Part 241**

Organization and functions (Government agencies), Postal Service.

1. The authority citation for part 241 continues to read as follows:

**Authority:** 39 U.S.C. 401.

**PART 241—ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE**

2. Section 241.3 is amended by revising paragraphs (d)(4) introductory text only, (e)(2)(ii)(A), (f)(1), (f)(2) introductory text only, (f)(3), (f)(4), (f)(5), (g)(1)(i), (g)(2), (g)(3)(i), and (g)(4)(ii).

**§ 241.3 Discontinuance of post offices.**

\* \* \* \* \*

(d) \* \* \*

(4) *Record.* The district manager, Customer Service and Sales, must keep as part of the record for his or her consideration and for review by the chief marketing officer/senior vice president all the documentation gathered about the proposed change.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(ii) \* \* \*

(A) Forward the revised proposal and the entire record to the chief marketing officer/senior vice president for final review.

\* \* \* \* \*

(f) \* \* \*

(1) *In general.* The chief marketing officer/senior vice president or a designee must review the proposal of the district manager, Customer Service and Sales. This review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Service and Sales. The chief marketing officer/senior vice president can instruct the district manager to provide more information to supplement the record. Each such instruction and the response must be added to the record. The decision on the proposal of the district manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth below.

(2) *Approval.* The chief marketing officer/senior vice president or a designee may approve the proposal of the district manager, Customer Service and Sales, with or without further revisions. If approved, the term "Final

Determination" is substituted for "Proposal" in the title. A copy of the Final Determination must be provided to the district manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(b). The Final Determination must include the following notices:

\* \* \* \* \*

(3) *Disapproval.* The chief marketing officer/senior vice president or a designee may disapprove the proposal of the district manager, Customer Service and Sales, and return it and the record to the manager with written reasons for disapproval. The manager must post a notice in each affected post office that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The chief marketing officer/senior vice president or a designee may return the proposal of the district manager, Customer Service and Sales, with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the chief marketing officer/senior vice president, must be placed on file in the Postal Service Headquarters Library.

(g) \* \* \*

(1) \* \* \*

(i) Provide notice of the Final Determination by posting a copy prominently in the affected post office or offices. The date of posting must be noted on the first page of the posted copy as follows:

"Date of posting:"

The district manager, Customer Service and Sales, must notify the chief marketing officer/senior vice president in writing of the date of posting.

\* \* \* \* \*

(2) *Implementation of determinations not appealed.* If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Final Determination was posted. A district manager, Customer Service and Sales, may request a different date for official discontinuance in the Post Office Change Announcement document submitted to the chief marketing officer/senior vice president. However, the post office may not be discontinued sooner than 60 days after the posting of the notice required by § 241.3(g)(1).

(3) \* \* \*

(i) *Implementation of discontinuance.* If an appeal is filed, only the chief marketing officer/senior vice president may direct a discontinuance before disposition of the appeal. However, the post office may not be discontinued sooner than 60 days after the posting of notice required by § 241.3(g)(1).

\* \* \* \* \*

(4) \* \* \*

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the chief marketing officer/senior vice president must direct that either (A) notice be provided under § 241.3(f)(3) that the proposed discontinuance is determined not to be warranted or (B) the matter be returned to an appropriate stage under these regulations for further consideration following such instructions as the chief marketing officer/senior vice president may provide.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 95-15096 Filed 6-20-95; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[Region II Docket No. 133; NJ20-1-6709a; FRL-5218-3]

**Approval and Promulgation of Implementation Plans; Gasoline Volatility Regulation State of New Jersey**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is today announcing approval of certain revisions to the New Jersey State Implementation Plan (SIP) for ozone. This rule incorporates into the New Jersey SIP revisions to Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuel." These revisions include a modification to the State's volatility standard for vehicular fuels and the addition of a procedure by which persons may apply for an exemption from the Reid Vapor Pressure (RVP) standard that allows the use of gasoline which does not comply with that standard. This action is necessary to keep the State's SIP consistent with changes to its existing regulations.

**DATES:** This action is effective on August 21, 1995 unless adverse or critical comments are received by July

21, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Air and Waste Management Division, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the state submittal are available at the following locations for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
26 Federal Plaza, Room 1034A, New  
York, New York 10278.

New Jersey Department of  
Environmental Protection, Bureau of  
Air Quality Planning, 401 East State  
Street, CN027, Trenton, New Jersey  
08625.

Environmental Protection Agency,  
Public Information Reference Unit,  
401 M Street, S.W., Washington, DC  
20460.

**FOR FURTHER INFORMATION CONTACT:**  
Michael P. Moltzen, Environmental  
Engineer, Technical Evaluation Section,  
Air Programs Branch, Environmental  
Protection Agency, 26 Federal Plaza,  
Room 1034A, New York, New York  
10278, (212) 264-2517.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 21, 1993, the New Jersey Department of Environmental Protection and Energy (NJDEP) submitted to the EPA revisions to the State's ozone SIP. This notice describes EPA's decision to approve as described below, those revisions to New Jersey's motor vehicle fuels volatility regulation, Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC). Notice of Adoption of these revisions appeared in the New Jersey Register on September 3, 1991. Subchapter 25 was first adopted by New Jersey on January 27, 1989 and approved by EPA on June 16, 1989 in 54 FR 25572. Approval of that regulation was based in part on NJDEP's commitment at the time to replace its test methodology to an EPA promulgated method (see 54 FR 25581). Today's revision to NJAC 7:27-25.4(d) fulfills that commitment.

This EPA action on New Jersey's SIP revision takes into account the interaction of the New Jersey regulations and the federal reformulated gasoline regulations, promulgated by EPA on February 16, 1994. The New Jersey standard for RVP is a maximum of 9.0

psi, which EPA approved on June 16, 1989. New Jersey also is subject to federal reformulated gasoline requirements, which set an RVP maximum of 8.1 psi for the period May 1 through September 15 for calendar years 1995 through 1997. 40 CFR 80.41, 80.65(a), 80.78(a)(1)(v). Starting in 1998, the reformulated gasoline standard changes from an RVP standard to a VOC performance standard. The then applicable federal standard will be a maximum RVP of 9.0 psi. 40 CFR 80.27(a)(2). Thus, the New Jersey RVP standard is identical to the federal standard starting in 1998, but the reformulated gasoline summertime RVP standard is more stringent for the years 1995-1997.

EPA promulgated the reformulated gasoline rules under the authority of both § 211(k) and § 211(c)(1), thereby triggering application of § 211(c)(4). This provision preempts states from prescribing or attempting to enforce any "control or prohibition of the characteristic or component of a fuel or fuel additive" that is nonidentical to one the Administrator has promulgated under § 211(c)(1). There is an exception for a nonidentical standard contained in a state SIP where the standard is "necessary to achieve" the primary or secondary NAAQS that the SIP implements.

New Jersey's volatility regulations include a nonidentical standard for RVP during the annual periods of the three years that the federal RVP standard for reformulated gasoline will be in effect. During these periods, the federal standard preempts the state standard, and the nonidentical standard cannot be enforced. New Jersey has not changed its RVP standard since EPA last approved the state regulations.

New Jersey's submission consists of various amendments to its previously approved State RVP regulations. It has not resubmitted the unamended portions of those regulations, and EPA takes no action on the unamended State regulations, including the RVP standard. EPA approves the amendments to New Jersey's State volatility regulations for purposes other than enforcement of New Jersey's 9.0 RVP standard for the period May 1 through September 15 for calendar years 1995-1997.

NJDEP's submittal contained the following revisions to Subchapter 25:

The revision to NJAC 7:27-25.4(a)1 extends the period during which refiners, importers, blenders and distributors are required to test and prepare test reports documenting the RVP of gasoline they ship. This period, which was previously designated April 15 through September 1, has been

extended fifteen days, making it April 15 through September 15. This revision revises the State's required RVP testing period to encompass both the "high ozone season" (the period from June 1 to September 15) as well as the federally mandated "regulatory control period" (the period from May 1 to September 15) as defined in 40 CFR § 80.27, "Controls and prohibitions on gasoline volatility." EPA approves this revision for calendar year 1998 and later.

Another revision to NJAC 7:27-25.4(a)1. allows persons subject to reporting requirements to substitute other documentation, in place of a test report, that certifies that the gasoline invoiced has a maximum RVP of 9.0 psi and complies with all applicable State and federal regulations. This revision is intended to reduce the paperwork burden on affected parties. EPA approves the reporting revision for calendar year 1998 and later.

The revision to NJAC 7:27-25.4(d) replaces the method previously employed by the State to determine the RVP of gasoline with two EPA-promulgated methods published at 40 CFR part 80, appendix E: Method 1—Dry RVP Measurement Method and Method 2—Herzog Semi-Automatic Method. The previous method, the American Society for Testing and Materials (ASTM) Method D-323, was determined by EPA to understate the true RVP of gasoline when oxygenated additives are present in the fuel.

The new section NJAC 7:27-25.7 establishes procedures whereby a waiver may be obtained to use gasoline which does not conform to the RVP standards for research and development purposes. New section 7:27-25.8 establishes service fees for the application of these waivers and annual compliance fees for operations which obtain these waivers. The RVP standard is in effect during the May 1 through September 15 period. In addition to this new regulation, New Jersey has submitted an inventory estimating the excess emissions of volatile organic substances (VOS) from non-conforming gasoline used for research and development purposes. The requirements in NJAC 7:27-25.7, which must be fulfilled before a party can obtain a waiver are at least as stringent as those contained in 40 CFR 80.27(e) "Testing exemptions." EPA approves the revisions to the test procedure regulations, but not for purposes of enforcing the State RVP requirement during calendar years 1995-1997.

The revision to NJAC 7:27-25.2 adds new definitions for the terms: ASTM, EPA, facility, non-conforming gasoline, product development, research, trial use

and volatile organic substances. In addition, five current definitions in NJAC 7:27-25.2 are revised for blender gasoline, person, Reid vapor pressure and standard conditions. In addition a number of minor nonsubstantive definition changes have been incorporated in the State's Response to Comments document included with the SIP submission. These changes and additions are consistent with EPA rules and are, therefore, approvable.

### Conclusion

New Jersey's Subchapter 25 was first promulgated to regulate and reduce the volatility of gasoline in order to control the emissions of ozone precursors. Today's action approves revisions to the State's Subchapter 25 as described above. Approval of these revisions brings New Jersey's SIP up to date with its current fuels regulations and incorporates changes necessary for successful implementation of fuel volatility regulations required by EPA.

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

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, this direct final action will be effective August 21, 1995 unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this rule will be withdrawn before the effective date by publishing a subsequent notice 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. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this rule should do so at this time. If no adverse comments are received, the public is advised that this rule will be effective August 21, 1995. (See 47 FR 27073 and 59 FR 24059).

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, 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 Clean Air Act, preparation of a regulatory 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. US EPA*, 427 US 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Under section 307(b)(1) of the Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. Filing a petition for reconsideration by

the 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 rule 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, Hydrocarbons, Ozone, Incorporated by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 2, 1995.

**William J. Muszynski,**  
*Deputy Regional Administrator.*

Title 40, chapter I, part 52, 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 FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(52) to read as follows:

#### § 52.1570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(52) Amendments submitted on April 21, 1993 by the New Jersey Department of Environmental Protection and Energy to New Jersey Air Code 7:27-25 revising the testing requirements to gasoline providers in New Jersey are subject.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 25, "Control and Prohibition of Air Pollution from Vehicular Fuels," effective September 3, 1991.

3. Section 52.1605 is amended by adding the entry for Subchapter 25 to the table in numerical order as follows:

§ 52.1605 EPA-approved New Jersey State regulations.

State regulation	State effective date	EPA approved date	Comments
* * * Title 7, Chapter 27	*	*	*
* * * Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels;"	September 3, 1991	[date and citation of this notice].	Approves 1992 revisions except that (1) for calendar years 1995-1997, test procedure revisions in N.J.A.C. 7:27-25.4 (d) are approved for all uses other than to enforce the 9.0 RVP standard; and (2) testing and reporting period and recordkeeping revisions in N.J.A.C. 7:27-25.4 (a) are approved for calendar year 1998 and later.
* * *	*	*	*

[FR Doc. 95-15034 Filed 6-20-95; 8:45 am]  
BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 90-524; RM-7501, RM-7631]

**Radio Broadcasting Services; Miami and Sebring, FL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 298C for Channel 298C1 at Miami, Florida, and modifies the license for Station WQBA(FM) to specify operation on Channel 298C, at the request of Spanish Radio Network (RM-7631), and denies the allotment of Channel 298A to Sebring, Florida, as requested by WJCM, Inc., (RM-7501). See 55 FR 47343, November 13, 1990. Channel 298C can be allotted to Miami in compliance with the Commission's minimum distance separation requirements, with a site restriction of 5.8 kilometers (3.6 miles) west, in order to avoid a short-spacing to Station WIRK(FM), Channel 300C1, West Palm Beach, Florida. The coordinates for Channel 298C at Miami are North Latitude 25-47-42 and West Longitude 80-14-36. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** June 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 90-524, adopted June 8, 1995, and released June 16, 1995. The full text of this Commission decision is available for

inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 298C1 and by adding Channel 298C at Miami.

Federal Communications Commission.

**John A. Karousos,**  
*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-15146 Filed 6-20-95; 8:45 am]  
BILLING CODE 6712-01-F

**47 CFR Part 73**

[MM Docket No. 95-12; RM-8559]

**Radio Broadcasting Services; Hudson, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Phil Parr, allots Channel 242A to Hudson, Texas. See 60 FR 05887, January 31, 1995. Channel 242A can be allotted to Hudson, Texas, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242A at Hudson are 31-23-50 and 94-46-15. With this action, this proceeding is terminated.

**DATES:** Effective July 31, 1995. The window period for filing applications will open on July 31, 1995, and close on August 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-12, adopted June 7, 1995, and released June 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows: