United States Postal Service
Customs Declaration and Dispatch Note

<table>
<thead>
<tr>
<th>No.</th>
<th></th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Sender's Name and Address (Nom et adresse de l'expéditeur)</th>
<th>Addressee's Name and Address (Nom et adresse du destinataire)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>List of Contents (Désignation du contenu) Please Print</th>
<th>Qty.</th>
<th>Value (Valeur)</th>
<th>Net Weight (Poids net)</th>
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</thead>
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<table>
<thead>
<tr>
<th>Insured No.</th>
<th>Insured Amount</th>
<th>SDR Insured Value</th>
<th>Postage</th>
<th>Gross Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>V-</td>
<td>US $</td>
<td>US $</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Check One: [ ] Commercial Sample (Echantillon commercial) [ ] Documents [ ] Gift (Cadeau) [ ] Merchandise

Sender's Instructions in Case of Nondelivery
(Instructions de l'expéditeur en cas de non-livraison)

[ ] Return to Sender (Renvoyer à l'origine)

NOTE: Item subject to return charges at sender's expense.

[ ] Abandon (Abandonner)

[ ] Redirect to Address Below (Réexpédier à)

Sender's Signature and Date (Signature de l'expéditeur et date)

I certify that the particulars given in the customs declaration are correct and that this item does not contain any dangerous article prohibited by postal regulations.

PS Form 2976-A, May 1996

Copy 4 - Post Office

[FR Doc. 95–23994 Filed 9–26–95; 8:45 am]

BILLING CODE 7710–12–C
SUPPLEMENTARY INFORMATION:

I. Background

The CAA section 176(c), as amended (42 U.S.C. 7401 et seq.), requires states to submit to EPA revisions to their implementation plans establishing transportation and general conformity criteria and procedures. EPA regulation requires the states to submit SIP revisions by November 25, 1994 and November 30, 1994. These conformity rules are to ensure that all Federal actions conform to the appropriate SIP developed pursuant to section 110 and part D of the CAA. Conformity to a SIP is defined in the CAA, as amended in 1990, as meaning conformity to a SIP's purpose of eliminating or reducing the severity and number of violations of the National ambient air quality standards (NAAQS) and achieving expeditious attainment of such standards. The Federal agency responsible for the action is required to determine if its actions conform to the applicable SIP. Environmental Protection Agency (EPA) approves most of Alaska's General conformity rules and Transportation conformity rules received on December 9, 1994 from the Alaska Department of Environmental Conservation (ADEC) and is taking no action on the remaining small portion of the submittal.

DATES: This final rule is effective on November 27, 1995 unless adverse or critical comments are received by October 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air & Radiation Branch (AT-082), EPA, AK10-1-7022, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and Alaska Department of Environmental Conservation, 410 Willoughby, suite 105, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Kelly Huynh, Air & Radiation Branch (AT-082), EPA, Seattle, Washington 98101, (206) 553-1059.
Section 710—Transportation Conformity: Incorporation By Reference of Federal Regulations. Most of this section is being approved as it incorporates most of the Federal regulations directly from 40 CFR part 51. The following sections of 40 CFR part 51 are incorporated by reference and are being approved: § 51.392 (except the term "regionally significant project" which is defined elsewhere in the Alaska state regulation), § § 51.394, 51.398, 51.400, 51.404, 51.406, 51.408, 51.410, 51.412, 51.414, 51.416, 51.418, 51.420, 51.422, 51.424, 51.426, 51.428, 51.430, 51.432, 51.434, 51.436, 51.438, 51.440, 51.442, 51.444, 51.446, 51.450, 51.452, 51.454, 51.456, 51.458, 51.460, 51.462. However, EPA is taking no action at this time on 18 AAC 50.710(27). This portion of the regulations incorporates by reference Federal regulation 40 CFR 51.448, Transition from the interim period to the control strategy period, as amended through December 1, 1994. Soon after this time, EPA began to amend 40 CFR 51.88 and publish the amended section on August 7, 1995. Because a portion of the Alaska regulation 18 AAC 50.710 adopted a section of the Federal regulation which has subsequently been significantly revised, EPA is taking no action on paragraph (27) of the state rule at this time. Alaska has indicated that it will revise 18 AAC 50.710(27) in a future SIP submittal.

Section 715—Transportation Conformity: Interagency Consultation Procedures. This section establishes procedures for interagency consultation (Federal, State, and local), resolution of conflicts, including referral to the governor when necessary, and procedures for public review and comment. The regulation addresses the consultation procedure elements identified under 40 CFR 50.402.

Section 720—Transportation Conformity: Public Involvement. This section requires a public involvement process to provide opportunity for public review and comment of the public hearing draft before the agency issues a final conformity determination. This section also establishes public hearing or meeting requirements.

Section 725—General Conformity: Incorporation by Reference of Federal Regulations. This section incorporates the entire Federal general conformity program into the regulation except § 51.857 (Frequency of conformity determinations) and § 51.860 (Mitigation of air quality impacts) which are included in sections 730 and 735 of the state rule.

Section 730—General Conformity: Mitigation of Air Quality Impacts. The regulation content is consistent with that of 40 CFR 51.860, which requires that a commitment be made to conduct the air quality mitigation measures if the conformity decision is based on that amount of decreased air pollution.

Section 735—General conformity: Frequency of Conformity Determination. The regulation content is consistent with that of 40 CFR 51.857, which requires that if a Federal action in not commenced within five years and this has not been accounted for in the initial conformity determination that a new determination be conducted unless the activity is just following the natural project progression. If at any time the project increases its emissions a new conformity determination would need to be conducted.

18 AAC 50 was also amended to include Article 8 Reserved.

Article 9. General Provisions Section 900—Definitions, was amended to include two new definitions; “maintenance area” which refers to a previously designated nonattainment area that has been since designated as an attainment area and “regionally significant project” which is a transportation project that is on a facility serving regional transportation needs.

II. This Action

This action approves numerous sections of Chapter 50—Air Quality Control of the Alaska SIP. The approved sections include 18 AAC 50.620 of Article 5, Article 6—Reserved, Article 7—Conformity except section 710(27), Article 8—Reserved, and Article 9—General Provisions. EPA is taking no action on Article 7, Section 710(27). EPA also is approving certain portions of Volume II: Analysis of Problems; Control Actions, which include page III.A.3–5, III.B.7–1, III.C.7–1, III.I–1 through III.I–6, III.J–1 through III.J–4.

III. Administrative Review

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 CAA 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 CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.


Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 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. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements.

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments and found it on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action 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 the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal
The EPA is publishing this action without prior proposal because the Agency 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. This action will be effective November 27, 1995 unless, by October 27, 1995 adverse or critical comments are received.

The EPA recognizes that this action may be challenged in court. If this action is successfully challenged, the Administrator of EPA may withdraw the final action.

This final rule is effective November 27, 1995 unless, by October 27, 1995 adverse or critical comments are received. The Administrator of EPA is advised that this action will be effective November 27, 1995

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

**Note:** Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.