

standards for rate eligibility and mail preparation. The final rule that is the subject of these corrections summarizes minor amendments to mailing standards and updated references to the contents of the DMM. As published, the final rule contains minor errors and omissions that do not accurately reflect the contents of the DMM. Accordingly, the publication on December 6, 1996, of the final rule, which was the subject of FR Doc. 96-31116, is corrected as set forth below:

**§ 111.5 [Corrected]**

1. On page 64620, in the third column, in § 111.5, on a separate line above the heading "A000 Basic Addressing", add the module heading "A—Addressing".

2. On page 64620, in the third column, in § 111.5, the table of contents entry "A920 Addressing Sequencing Service" is corrected to read "A920 Address Sequencing Services".

3. On page 64620, in the third column, in § 111.5, on a separate line above the heading "C000 General Information", add the module heading "C—Characteristics and Content".

4. On page 64621, in the first column, in § 111.5, on a separate line above the heading "D000 Basic Information", add the module heading "D—Deposit, Collection, and Delivery".

5. On page 64621, in the first column, in § 111.5, on a separate line above the heading "E000 Special Eligibility Standards", add the module heading "E—Eligibility".

6. On page 64621, in the first column, in § 111.5, on a separate line above the heading "F000 Basic Services", add the module heading "F—Forwarding and Related Services".

7. On page 64621, in the second column, in § 111.5, on a separate line above the heading "G000 The USPS and Mailing Standards", add the module heading "G—General Information".

8. On page 64621, in the second column, in § 111.5, on a separate line above the heading "L000 General Use", add the module heading "L—Labeling Lists".

9. On page 64621, in the second column, in § 111.5, on a separate line above the heading "M000 General Preparation Standards", add the module heading "M—Mail Preparation and Sortation".

10. On page 64621, in the third column, in § 111.5, on a separate line above the heading "P000 Basic Information", add the module heading "P—Postage and Payment Methods".

11. On page 64621, in the third column, in § 111.5, the table of contents entry "P760 First-Class or Standard Mail

Mailings With Different Payment Methods" is corrected to read "P760 First-Class or Standard Mail Mailings With Different Payment Methods".

12. On page 64621, in the third column, in § 111.5, on a separate line above the heading "R000 Stamps and Stationery", add the module heading "R—Rates and Fees".

13. On page 64621, in the third column, in § 111.5, on a separate line above the heading "S000 Miscellaneous Services", add the module heading "S—Special Services".

14. On page 64621, in the third column, in § 111.5, on a separate line above the heading "I000 Information", add the module heading "I—Index Information".

15. On page 64621, in the third column, in § 111.5, the table of contents entry "1021 Forms Glossary" is corrected to read "1021 Forms Glossary".

16. On page 64622, in the first column, in § 111.5, the table of contents entry "1022 Subject Index" is corrected to read "1022 Subject Index".

Stanley F. Mires,

*Chief Counsel, Legislative.*

[FR Doc. 97-105 Filed 1-3-97; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH69-2-6680a; FRL-5646-2]

#### Approval and Promulgation of Air Quality Implementation Plans Ohio; Revision to the Enhanced Motor Vehicle Inspection and Maintenance Program

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA approves submitted changes to Ohio's enhanced vehicle inspection and maintenance program (known as E-Check) as a revision to the State Implementation Plan (SIP) for ozone in all areas where the State's inspection and maintenance (I/M) program is operated. The EPA's action is based upon a request for a revision which was received by EPA from Ohio on August 29, 1996. The revision includes a vehicle repair spending cap and a temporary hardship extension of time for automobile owners with failed vehicles to perform necessary repairs on vehicles which fail the E-Check test. The repair spending cap does not affect vehicles which require repairs and are

under manufacturer warranty; it also does not apply to owners whose vehicles have been mal-maintained or whose emission control devices have been tampered with. The extension of time applies to the automobile owner to which the immediate repair of the failed vehicle would present a hardship.

The changes to the E-Check program are the result of concerns expressed by citizens affected by the program in the areas where E-Check has been implemented, and by Ohio legislators representing them. The rule changes do not affect the emission reduction potential of the measure, and, therefore, do not affect the expected emission reductions in the maintenance plan for Cleveland and Dayton or in the 15 percent reasonable further progress plan for Cincinnati. Therefore, the EPA is approving the changes to the rule.

**DATES:** This action is effective March 7, 1997 unless adverse or critical comments are received by February 5, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (A-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision request and EPA's analysis are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (A-18J), Chicago, Illinois 60604

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Air Programs Branch, Regulation Development Section (A-18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6084.

#### SUPPLEMENTARY INFORMATION:

##### I. Summary of State Submittal

On August 29, 1996, the Director, Ohio Environmental Protection Agency, (Ohio EPA) submitted a revision to the previously approved<sup>1</sup> E-Check program. The submittal was reviewed for completeness and was found to meet all of the requirements of appendix V necessary to obtain EPA approval under section 110 of the Clean Air Act. The SIP revision included: copy of the rule changes, notice of public hearing, transcripts, analysis of impact, and

<sup>1</sup> Enhanced Motor Vehicle Inspection and Maintenance Program, 60 FR 16989, dated April 4, 1995.

responses to public comments. The legal authority was previously established, and a schedule for implementation was not required since the State had already begun to implement the changes. The revision, which is expected to provide for broader consumer acceptance of the E-Check program, is expressed in two of the State's rules: Ohio Administrative Code (OAC) 3745-26-01 and OAC 3745-26-12.

## II. Analysis of State Submittal

The rule amendments include: broadening the definition of "extension certificate" which has the effect of providing a temporary hardship extension of time for qualified vehicle owners to perform necessary repairs on failed vehicles, and adds a vehicle repair spending cap. The amendments also define "low income" in the context of the E-Check program in order to qualify for the temporary hardship extension.

The Director of the Ohio EPA issued a notice to amend rule 3745-26-01 and rule 3745-26-12 which govern the E-Check I/M program in the 14 affected counties in the State. The rule amendments are intended to address the concerns of citizens affected by the I/M program and are a result of the opinions expressed by the public in the State's outreach program. Public hearings were announced and held in the three affected areas of Cincinnati, Cleveland and Dayton.

The USEPA reviewed the proposed amendments to determine the impact the changes will have on emissions in the affected areas. Further, the EPA reviewed the proposed changes for their impact on the maintenance plan in the Cleveland and Dayton areas and the 15 percent plan in the Cincinnati area. The amendments include a vehicle repair spending cap and a temporary hardship extension of time for automobile owners to perform necessary repairs on vehicles which fail the E-Check test. Neither of the changes have a direct impact on the emission reductions available from the program. The only emissions assessment method available at present is the MOBILE5a model. This model does not accommodate the program changes in this case and therefore changes in emissions, if any, cannot be determined by its use. Indirectly, the amendments may have some impact on the ability of the program to achieve total reductions expected as discussed below. However, there are no data available to show the effect of these indirect results.

The repair spending cap applies in situations where an automobile owner is required to obtain repairs because of

failure of the vehicle to pass an I/M test. The spending cap, which is set at \$300, represents the maximum dollar amount required to be spent for emission related repair. It includes the diagnostic fees, labor and parts, as well as any costs incurred prior to the test if performed within 60 days prior to the test and if related to the vehicle's emission control equipment. The spending cap does not include the cost of repair of tampering, nor does it include the cost of repair of any item covered by a dealer or manufacturer recall or warranty.

The temporary hardship extension is available to a vehicle owner whose vehicle fails the emissions test and meets certain criteria. The extension allows an extra six months from the date of the test to have the repairs performed. The hardship extension is not available for gas cap failures nor is it available for vehicles covered by warranty or if the failure is covered by a recall. The "low income" test is met if the applicant for a hardship extension can demonstrate the household income for the previous 12 months is not more than one-hundred fifty percent of the poverty threshold level established by the U.S. Department of Health and Human Services.

The Ohio EPA contacted EPA for assistance in assessing the impact of the amendments. However, the changes proposed by Ohio EPA do not lend themselves to assessment of emission impacts in the traditional manner using the MOBILE5a emission factor model. The extent of the temporary hardship extension cannot be accurately determined or estimated because Ohio EPA has no historical data with respect to the number of vehicle owners or lessees who would be eligible for this delay in compliance. However, the compliance extension is for a short duration relative to the compliance period, and vehicles in this category will eventually be repaired. Although delayed, vehicle emission reductions are assured. Further, the scarcity of available information on the number of vehicle owners who would take advantage of the limit to the spending cap prevents Ohio EPA from making a useful estimate of the effect on emissions. This spending cap does not affect vehicles which require repairs and are under manufacturer emissions warranty; it also, does not apply to owners whose vehicles have been mal-maintained or tampered. All tampering or mal-maintenance are to be repaired by the owner.

The EPA believes that the rule changes proposed by Ohio EPA will not have a significant impact on the emission reduction potential of the E-

Check program and will improve citizen acceptability of this mobile source emission reduction program. The EPA finds there is good cause for this direct final approval to become effective thirty days from date of publication, and that a delayed effective date is unnecessary due to the noncontroversial nature of the changes.

## III. Rulemaking Action

The EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. The changes were made to address concerns expressed by citizens and legislators in Ohio and are expected to be received favorably. Since this action is in response to previously expressed public concerns, no adverse comments are expected. However, EPA is publishing a separate document in this Federal Register publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely significant adverse or critical comments are filed. The "direct final" approval shall be effective on March 7, 1997, unless EPA receives adverse or critical comments (which have not been already addressed) by February 5, 1997.

If EPA receives such comments adverse to or critical of the approval discussed above, EPA will publish a Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking action.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, EPA hereby advises the public that this action will be effective on March 7, 1997.

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

## IV. Administrative Requirements

### A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of

Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

**B. Regulatory Flexibility Act**

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, the Administrator certifies 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 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. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

**C. Unfunded Mandates**

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 the private sector, result from this action.

**D. Submission to Congress and the General Accounting Office**

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is

not a major rule as defined by 5 U.S.C. 804(2).

**E. Petitions for Judicial Review**

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 7, 1997. 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 action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: October 16, 1996.

William E. Muno,

*Acting Regional Administrator.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, subpart KK, 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 KK—Ohio**

2. Section 52.1870 is amended by adding paragraph (c)(112) to read as follows:

**§ 52.1870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(112) On August 29, 1996, the United States Environmental Protection Agency received from the Ohio Environmental Protection Agency, changes to the approved vehicle inspection and maintenance (I/M) program which control the release of volatile organic compounds from vehicles. These changes provide a repair spending cap of \$300 and a temporary hardship extension of time up to 6 months for owners to perform needed repairs on vehicles which fail the I/M program test.

(i) Incorporation by reference.

(A) Rule 3745-26-01—Definitions effective May 15, 1996.

(B) Rule 3745-26-12—Requirements for motor vehicle owners in the enhanced or opt-in enhanced

automobile inspection and maintenance program, effective May 15, 1996.

[FR Doc. 97-194 Filed 1-3-97; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Parts 52 and 81**

[LA-34-1-7300; FRL-5670-4]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone**

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

**ACTION:** Final rule.

**SUMMARY:** On July 22, 1996, EPA simultaneously published a direct final notice of rulemaking and a notice of proposed rulemaking in which EPA published its decision to approve a revision to the Louisiana State Implementation Plan (SIP) to redesignate Pointe Coupee Parish to attainment for ozone. During the 30-day comment period, EPA received an adverse comment letter in response to the July 22, 1996, rulemaking. This final rule summarizes the comments and EPA's responses, and finalizes EPA's decision to correct the classification of Pointe Coupee Parish from a serious to a marginal ozone nonattainment area. This action also approves the redesignation of Pointe Coupee Parish, Louisiana to attainment for ozone.

**EFFECTIVE DATE:** This action is effective on December 20, 1996.

**ADDRESSES:** Copies of the State's request and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Louisiana Department of Environmental Quality, Office of Air Quality, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Lt. Mick Cote, Air Planning Section (6PD-