section parallels a provision in the Sunshine Act, 5 U.S.C. § 552b(d)(4). On July 11, 1996, the Board of Governors published amendments to its bylaws to delete certain other provisions prescribing procedural rules applicable only to committees of the Board, so that committee procedure is governed by the Board's general Sunshine Act rules in Part 7 of the bylaws, and by the terms of the Act itself. Ordinarily, the committees of the Board do not hold ''meetings'' as defined in the Sunshine Act. See 61 FR 36498. Repeal of section 7.4(d) is consistent with the purposes of the previous amendments.

List of Subjects in 39 CFR Part 7

Sunshine Act.

For the reasons set forth above, 39 CFR Chapter I, Subchapter A, is amended as follows:

PART 7—PUBLIC OBSERVATION (ARTICLE VII)

1. The authority citation for part 7 continues to read as follows:

Authority: 39 U.S.C. 401(a), as enacted by Pub. L. 91–375, and 5 U.S.C. 552b(a)–(m) as enacted by Pub. L. 94–409.

§ 7.4 [Amended]

2. Section 7.4 is amended by removing paragraphs (d) and (e).

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–2247 Filed 1–29–97; 8:45 am]

BILLING CODE 7710–12–P

39 CFR Part 963

Rules of Practice in Proceedings Relative to Violations of the Pandering Advertisements Statute

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service has established a new organization to process administrative violation cases under the Pandering Advertisements Statute. It has also adopted a new application form for obtaining the statutory remedy. This rule makes technical amendments reflecting these actions.

EFFECTIVE DATE: January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Diane Mego, Staff Attorney, Judicial Officer Department (202) 268–5438.

SUPPLEMENTARY INFORMATION: The Postal Service has established a new organization, called the Prohibitory Order Processing Center, to assume the administrative functions performed by Customer Service & Sales Districts under the Pandering Advertisements Statute, 39 U.S.C. 3008. One of those functions is issuing complaints when there is evidence indicating that mailers of pandering advertisements have commited violations of prohibitory orders. The statute provides for an administrative hearing if duly requested by a mailer receiving such a complaint. The procedural rules for conducting the hearing are contained in 39 CFR part 963. Such rules are issued and revised, as needed, by the Judicial Officer of the Postal Service, pursuant to 39 CFR 226.2(e)(1).

Amendment of part 963 is needed to substitute references to the Prohibitory Order Processing Center Manager for references to the Customer Services District Manager. An additional amendment is needed to insert the number and title of the new form used to apply for a 39 U.S.C. 3008 prohibitory order—viz., PS Form 1500, *Application for Listing and/or Prohibitory Order*—in place of the number and title of the superseded form—viz., PS Form 2150, *Notice for Prohibitory Order Against Sender of Pandering Advertisement in the Mails.* Also, several grammatical amendments are needed to reflect gender neutrality.

The Judicial Officer is making these revisions that are to be adopted by the Postal Service. They are changes in agency rules of procedure that do not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects in 39 CFR Part 963

Administrative practice and procedure, Advertising, Postal Service.

Accordingly, the Postal Service adopts amendments to 39 CFR part 963 as specifically set forth below:

PART 963—[AMENDED]

1. The authority citation for Part 963 continues to read as follows:

Authority: 39 U.S.C. 204, 401, 3008.

§ 963.2 [Amended]

2. Section 963.2 is amended by adding ''the Prohibitory Order Processing Center Manager'' after removing ''a Customer Services District Manager''.

§ 963.3 [Amended]

3. Section 963.3(a) is amended by adding ''or her'' after ''his''.

4. Section 963.3(c) is amended by adding ''1500, *Application for Listing and/or Prohibitory Order*'' after removing ''2150, *Notice for Prohibitory Order Against Sender of Pandering Advertisement in the Mails*''.

5. Section 963.3(e) is amended by adding ''or her'' after ''his''.

§ 963.4 [Amended]

6. Section 963.4(a) is amended by adding ''or her'' after ''his''.

§ 963.8 [Amended]

7. Section 963.8, introductory text, is amended by adding ''or her'' after ''his'' wherever it appears.

§ 963.11 [Amended]

8. Section 963.11 is amended by adding ''or her'' after ''his''.

§ 963.14 [Amended]

9. Section 963.14 is amended by adding ''or she'' after ''he''.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–2248 Filed 1–29–97; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0009a; FRL–5674–7]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No's. 3 and 7 for Pioneer Metal Finishing Inc. and a Revision to Regulation No. 7 for Lexmark International Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the revisions to the Colorado State Implementation Plan (SIP) as submitted by the Governor on August 25, 1995, and October 16, 1995. The revisions consist of amendments to Regulation No. 3, ''Air Contaminant Emissions Notices,'' and Regulation No. 7, ''Regulation To Control Emissions of Volatile Organic Compounds.'' The revisions to Regulations Nos. 3 and 7 for Pioneer Metal Finishing Inc. (PMF) consist of a source-specific SIP revision to allow PMF to purchase banked Volatile Organic Compound (VOC) emission reduction credits (ERC) from Coors Brewing Company (Coors), to enable PMF to come into compliance with the VOC Reasonable Available Control Technology (RACT) requirements of Regulation No. 7 (Reg. 7). The revision to Reg. 7 for Lexmark International Inc. (Lexmark) consists of a source-specific SIP revision to allow

Lexmark to utilize the provisions of Reg. 7 to perform crossline averaging for the purposes of meeting the VOC RACT requirements of Reg. 7. This Federal Register action applies to both of these submittals. EPA's approval will serve to make these revisions federally enforceable and was requested by the State of Colorado.

DATES: This final rule is effective March 31, 1997 unless adverse or critical comments are received by March 3, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to:Richard R. Long, Director, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office:

United States Environmental Protection Agency, Region 8, Air Program, 999 18th Street, suite 500, Denver, Colorado 80202–2466

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202–2466; Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(H)(i) of the Clean Air Act (CAA), as amended in 1990, provides the State the opportunity to amend its SIP from time to time as may be necessary. The State is utilizing this authority of the CAA to update and revise existing regulations which are part of the SIP.

I. Background to the Action

On March 3, 1978, EPA designated the Denver-Boulder metropolitan area as nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone (43 FR 8976). This designation was reaffirmed by EPA on November 6, 1991 (56 FR 56694) pursuant to section 107(d)(1) of the CAA, as amended in 1990. Furthermore, since the Denver-Boulder area had not shown a violation of the ozone standard during the three-year period from January 1, 1987 to December 31, 1989, the Denver-Boulder area was classified as a ''transitional'' ozone nonattainment area under section 185A of the amended Act.

The current Colorado Ozone SIP was approved by EPA in the Federal Register on December 12, 1983 (48 FR 55284). The SIP contains Reg. 7 which applies RACT to stationary sources of VOCs. Reg. 7 was adopted to meet the requirements of section 172(b)(2) and (3) of the 1977 CAA (concerning the application of RACT to stationary sources [1].)

During 1987 and 1988, EPA Region 8 conducted a review of Reg. 7 for consistency with the Control Techniques Guidelines documents (CTGs) and regulatory guidance, for enforceability and for clarity. The CTGs, which are guidance documents issued by EPA, set forth measures that are presumptively RACT for specific categories of sources of VOCs. A substantial number of deficiencies were identified in Reg. 7. In 1987, EPA published a proposed policy document that included, among other things, an interpretation of the RACT requirements as they applied to VOC nonattainment areas (see 52 FR 45044, November 24, 1987). On May 25, 1988, EPA published a guidance document entitled ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of the November 24, 1987 Federal Register Notice'' (the ''Blue Book''). A review of Reg. 7 against these documents uncovered additional deficiencies in the regulation.

On May 26, 1988, EPA notified the Governor of Colorado that the Carbon Monoxide (CO) SIPs for Colorado Springs and Fort Collins were inadequate to achieve the CO NAAQS. In that letter, EPA also notified the Governor that the ozone portion of the SIP had significant deficiencies in design and implementation, and requested that these deficiencies be remedied. EPA did not make a formal call for a revision to the ozone portion of the SIP in the May 1988 letter [2], even though the Denver-Boulder area was, and continues to be, designated nonattainment for ozone. The reason for this decision was that no violations of the ozone NAAQS had been recorded in the nonattainment area for the previous three years.

In a letter dated September 27, 1989, the Governor submitted revisions to Reg. 7, as adopted by the Colorado Air Quality Control Commission (AQCC) on September 21, 1989, (effective October 30, 1989) which partially addressed EPA's concerns. Revisions were made to numerous sections of Reg. 7, including 7.I Applicability, 7.II General Provisions, and 7.IX Surface Coating Operations.

In a letter dated August 30, 1990, the Governor submitted additional revisions to Reg. 7, as adopted by the AQCC on July 19, 1990 (effective August 30, 1990) to address EPA's remaining concerns with the September 27, 1989, SIP revision. Revisions were made to several sections of Reg. 7, including sections 7.I.B. and 7.I.C. (Applicability—Compliance Schedule) requiring all sources to come into compliance with the revised Reg. 7 by October 31, 1991. Sources which were in existence prior to the regulation revisions and which were covered by the then-current regulations were required to maintain compliance with those provisions.

On May 30, 1995, EPA published a final rule in the Federal Register (60 FR 28055) that fully approved the Governor's September 27, 1989, and August 30, 1990, revisions to Reg. 7. The final rule became effective on June 29, 1995.

A. Pioneer Metal Finishing Inc. (PMF)

In a letter dated January 14, 1991, PMF advised the Tri-County Health Department (for Adams, Arapahoe, and Douglas Counties) of its operation. The Air Pollution Control Division (APCD) of the Colorado Department of Health subsequently determined that the PMF facility was an emitting source which did not possess a permit from the State. PMF filed an initial permit application with the State on January 15, 1991. Upon review of the permit application, the APCD found that PMF was not in compliance with the VOC RACT requirements of Reg. 7, section IX., ''Surface Coating Operations,'' subsection L, ''Manufactured Metal Parts and Metal Products,'' as PMF could not meet the three pounds per hour or fifteen pounds per day cutoffs for use of non-compliant coatings. PMF was required to meet the RACT provisions of Reg. 7 by October 30, 1991, as detailed in section I.B.2 (Applicability to Existing Sources) of the AQCC revisions to Reg. 7 that appeared in the Governor's SIP revision submittals dated September 27, 1989, and August 30, 1990.

PMF is a small facility (approximately ten employees were noted in the January 15, 1991, permit application) that applies coatings via spray guns to metal parts and wood products that are brought to PMF by customers who do not have coating facilities or who find that establishing individual coating facilities would not be cost-effective. This work may involve quantities of

[1] The requirement to apply RACT to existing stationary sources in a nonattainment area was carried forth under the amended Act in section 172(c)(1).

[2] Under the pre-amended Act, EPA had the authority under section 110(a)(2)(H) to issue a ''SIP Call'' requiring a State to correct deficiencies in an existing SIP. Section 110(a)(2)(H) was not modified by the 1990 Amendments. In addition, the amended Act contains new section 110(k)(5) which also provides authority for a SIP Call.

high VOC coatings being used on several different jobs at once.

In a letter dated August 18, 1992, the State indicated that it was denying PMF's permit application. PMF considered installing VOC RACT control equipment on its paint booths, but found the costs economically infeasible for its operation. PMF then proposed various solutions to its problems of being unable to comply with the revised Reg. 7 limits, including an outright exemption, less stringent threshold (the five percent equivalency rule [3]), and shifting the compliance requirements to PMF's customers. None of these solutions was acceptable to the State or EPA.

A solution to PMF's dilemma began to evolve with the advent of EPA's Economic Incentive Program (EIP) rules of April 7, 1994 (59 FR 16690). With the development of this emission trading policy, EPA advised Colorado and PMF that PMF could utilize emission trading as a means to achieve the RACT requirements of Reg. 7.

EPA's prior policy on emissions trading, entitled ''Emissions Trading Policy Statement; General Principles for Creation, Banking, and Use of Emission Reduction Credits; Final Policy Statement and Accompanying Technical Issues Document'' (51 FR 43814, December 4, 1986), did not address the use of emission trading for the purposes of achieving compliance with RACT. The EIP rules, however, specifically addressed the issue of emission trading to achieve compliance for RACT provisions (see 59 FR 16695 to 16697 and 59 FR 16702 to 16705, April 7, 1994). Based on the provisions in EPA's EIP rules, PMF and Colorado designed a source-specific revision to the SIP which would allow PMF to purchase banked VOC emission reduction credits from Coors Brewing Company (State Emissions Reduction Credit Permit 91AR120R, July 25, 1994) to compensate for PMF's excess VOC emissions that would have otherwise been reduced by RACT control equipment and/or use of compliant coatings. The development and adoption of the necessary revisions to the State's Reg. 3 and Reg. 7 are further explained below in ''II. Analysis of the State's Submittals''.

B. Lexmark International Inc. (Lexmark)

Colorado's Reg. 7, section IX, establishes VOC emission limitations for specified surface coating operations and includes provisions to allow sources to achieve these emission limits through the installation and operation of RACT control equipment, use of compliant coatings, and alternative compliance methods as a source specific revision to the SIP. One such alternative compliance method involves the use of crossline averaging of emissions. The requirements for crossline averaging appear in Reg. 7, section IX.5(d). The crossline averaging provisions of section IX.5(d) were submitted by the Governor in his September 27, 1989, revision to the SIP and were fully approved by EPA on May 30, 1995 (see 60 FR 28055).

Lexmark proposed to the AQCC a source-specific revision to the SIP to enable Lexmark to use crossline averaging as a means of complying with the emission limitations that apply to Plastic Film Coating Operations (Reg. 7, section IX.J) and Manufactured Metal Parts and Metal Products operations (Reg. 7, section IX.L). Crossline averaging is appropriate in this case as it would allow Lexmark the flexibility to effect greater emission reductions than otherwise required on certain production lines and to use those additional emission reductions to offset emissions from lines where use of abatement technology is not cost effective. This crossline averaging will be applied to the facility which Lexmark operates in Boulder, Colorado. The development and adoption of the necessary revision to the State's Reg. 7 are further explained below in ''II. Analysis of the State's Submittals''.

II. Analysis of the State's Submittals

Section 110(k) of the CAA sets out provisions governing EPA's action on submissions of revisions to a State Implementation Plan. The CAA also requires States to observe certain procedural requirements in developing SIP revisions for submittal to EPA. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after going through a reasonable notice and public hearing process prior to being submitted by a State to EPA.

A. Pioneer Metal Finishing Inc. (PMF)

The adoption of the necessary revisions to the SIP for PMF to achieve compliance with the VOC RACT provisions of Reg. 7 was handled, essentially, as a two-step process. First, changes were required to sections V.A., V.C.1, V.C.3, V.C.5, V.D.6, V.D.7, V.D.9, V.E., V.F., V.F.5, V.F.7, V.F.8.l, V.F.14, and V.F.15, of Reg. 3 (which contains Colorado's emission trading provisions), to allow Emission Reduction Credits (ERCs) to be used for bubble, netting, offset transactions, and alternative compliance methods. In addition, a change was necessary to section II.D.1 of Reg. 7, so that sources could use an alternative emission control plan or, in PMF's case, an alternative compliance method. To accomplish this, the AQCC held a public hearing on October 20, 1994, directly after which the AQCC adopted the revisions to Reg. 3 and Reg. 7. These revisions became effective on December 30, 1994. The Governor submitted these revisions to Reg. 3 and Reg. 7 by a letter dated October 16, 1995. In his October 16, 1995, letter, however, the Governor asked for conditional approval as these SIP revisions must first be approved by the Colorado General Assembly as required by the Colorado Air Pollution Prevention and Control Act (CAPPCA). The CAPPCA is strictly a State-only mandated requirement that any revision to the SIP must first be approved by the State General Assembly prior to the Governor asking EPA for final approval of the revision to the SIP. EPA received this revision to the SIP on October 17, 1995. Due to unresolved EPA legal issues involving the CAPPCA, EPA took no action on the Governor's submittal and, by operation of law under the provisions of section 110(k)(1)(B) of the CAA, the submittal became complete on April 17, 1996. By a letter dated June 25, 1996, the Governor advised that certain revisions to the SIP, which had previously been submitted for conditional approval, had been approved by the Colorado General Assembly and should now be considered by EPA for final approval and inclusion in the SIP. Mention of the particular revisions to Reg. 3 and Reg. 7, however, was inadvertently left out of the Governor's June 25, 1996, letter. This concern was noted and corrected in a supplemental letter, dated July 1, 1996, from Douglas Lempke, Acting Technical Secretary for the AQCC, on behalf of the Governor.

The second step in this two-step process involved specific revisions to Reg. 7, which required a new section IX.L.2.c through IX.L.2.c.xv, that included 15 source-specific provisions allowing PMF to use emission trading to demonstrate compliance with the VOC RACT provisions of Reg. 7. The AQCC held a public hearing on February 16, 1995, directly after which the AQCC adopted the PMF revisions to Reg. 7. These revisions became effective on April 30, 1995. The Governor submitted these particular revisions to Reg. 7 by a letter dated August 25, 1995. In his August 25, 1995, letter, however, the Governor asked for conditional approval as these SIP revisions must first be approved by the Colorado General

[3] This EPA rule, which is detailed in the Agency's May 25, 1988, document ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of [the] November 24, 1987 Federal Register'' (re: the ''Blue Book'').

Assembly as required by the CAPPCA as described above. EPA received this revision to the SIP on August 28, 1995. Again, due to the unresolved EPA legal issues involving the CAPPCA, EPA took no action on the Governor's submittal and by operation of the provisions of section 110(k)(1)(B) of the CAA, the submittal became complete on February 28, 1996. By a letter dated June 25, 1996, the Governor advised that certain revisions to the SIP, which had previously been submitted for conditional approval, had been approved by the Colorado General Assembly and should now be considered by EPA for final approval and inclusion in the SIP. Again, mention of the particular revisions to Reg. 7 was inadvertently left out of the Governor's June 25, 1996, letter. This concern was noted and corrected in a supplemental letter, dated July 1, 1996, from Douglas Lempke, Acting Technical Secretary for the AQCC, on behalf of the Governor.

B. Lexmark International Inc. (Lexmark)

The source-specific revisions to Reg. 7, for crossline averaging for Lexmark's operations, involved changes to Reg. 7 which required a new section IX.A.12 through IX.A.12.a.(xi), that included 11 source-specific requirements for Lexmark to demonstrate compliance with VOC RACT crossline averaging provisions. The AQCC held a public hearing on May 18, 1995, directly after which the AQCC adopted the Lexmark revisions Reg. 7. These revisions became effective on July 30, 1995. The Governor submitted revisions to Reg. 7 by a letter dated August 25, 1995. In his August 25, 1995, letter, however, the Governor asked for conditional approval as the SIP revisions must first be approved by the Colorado General Assembly as required by the CAPPCA, as described above. EPA received this revision to the SIP on August 28, 1995. Again, due to the unresolved EPA legal issues involving the CAPPCA, EPA took no action on the Governor's submittal and by operation of the provisions of section 110(k)(1)(B) of the CAA, the submittal became complete on February 28, 1996. By a letter dated June 25, 1996, the Governor advised that certain revisions to the SIP, which had previously been submitted for conditional approval, had been approved by the Colorado General Assembly and should now be considered by EPA for final approval and inclusion in the SIP. Again, mention of the revision to Reg. 7, however, was inadvertently left out of the Governor's June 25, 1996, letter. This concern was noted and corrected in a supplemental letter, dated July 1, 1996, from Douglas Lempke, Acting Technical Secretary for the AQCC, on behalf of the Governor.

III. Final Action

EPA is approving the Reg. 3 and Reg. 7 revisions that were adopted by the AQCC on October 20, 1994, February 16, 1995, and May 18, 1995. All supporting documentation for these revisions is contained in the Technical Support Document (TSD) for this action.

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 issue of the Federal Register, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 31, 1997 unless, by March 3, 1997, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document 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. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 31, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to any State Implementation Plan shall be considered separately 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 Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 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 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. Union Electric Co. v. U.S. EPA, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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 rules that include a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 31, 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) of the CAA).

E. Executive Order 12866

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

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Dated: December 2, 1996.

Jack W. McGraw,

Acting Regional Administrator.

40 CFR part 52 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 G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(78) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(78) Revisions to the Colorado State Implementation Plan were submitted by the Governor of the State of Colorado on August 25, 1995, and October 16, 1995. The revisions consist or amendments to Regulation No. 3, ''Air Contaminant Emissions Notices'' and to Regulation No. 7, ''Regulation To Control Emissions of Volatile Organic Compounds.'' These revisions involve source-specific State Implementation Plan requirements for emission trading for Pioneer Metal Finishing Inc. and crossline averaging for Lexmark International Inc.

(i) Incorporation by reference.

(A) Revisions to Regulation No. 3, 5 CCR 1001–5, sections V.A. (Purpose), V.C.1 , V.C.3, V.C.5 (Definitions), V.D.6, V.D.7, V.D.9 (Procedure for Certification of Emissions Reductions and Approval of Transactions), V.E. (Criteria for Certification of Emissions Reductions), V.F., V.F.5, V.F.7, V.F.8.l, V.F.14, and V.F.15 (Criteria for Approval of all Transactions) and Revisions to Regulation No. 7, 5 CCR 1001–9, section II.D.1.a (Alternative Control Plans and Test Methods) became effective on December 30, 1994. The new section IX.L.2.c through IX.L.2.c.xv (Manufactured Metal Parts and Metal Products) to Regulation No. 7, 5 CCR 1001–9, applicable to Pioneer Metal Finishing Inc., became effective on April 30, 1995. The new section IX.A.12 through IX.A.12.a.(xi) (General Provisions) to Regulation No. 7, 5 CCR 1001–9, applicable to Lexmark International Inc., became effective July 30, 1995.

* * * * *

[FR Doc. 97–2288 Filed 1–29–97; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 60

[FRL–5681–5]

Notice of Determination That the New Source Performance Standards (Subpart Eb) Apply to Central Wayne Energy Recovery, L.P., Dearborn Heights, Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of determination of Part 60 applicability.

SUMMARY: The Environmental Protection Agency (EPA) publishes its decision that a proposed modification to the municipal waste combustor in Dearborn Heights, Michigan, will trigger the applicability of the ''Standards of Performance for Municipal Waste Combustors'' (Part 60, Subpart Eb).

EFFECTIVE DATE: This decision takes effect on October 11, 1996. Petitions for review of this determination must be filed on or before March 31, 1997 in accordance with the provisions of section 307(b)(1) of the Clean Air Act.

ADDRESSES: The related material in support of this decision may be examined during normal business hours at the United States Environmental Protection Agency, Air and Radiation Division, Air Enforcement and Compliance Assurance Branch, 17th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gahris of U.S. EPA Region 5, Air Enforcement and Compliance Assurance Branch (AE–17J), 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone (312) 886–6794.

SUPPLEMENTARY INFORMATION: On August 16, 1995, the Director of Wayne County, Michigan's Air Quality Management Division, requested a determination on the applicability of the New Source Performance Standards for New Stationary Sources (NSPS) to a ''waste-to-energy'' conversion project proposed by the Central Wayne Energy Limited Partnership for the municipal waste combustor facility located in Dearborn Heights, Michigan. After requesting and receiving additional clarifying information, EPA responded to Wayne County's request by means of a letter dated October 11, 1996. EPA determined that each of the MWC units at the facility will become subject to the NSPS for municipal waste combustors (40 CFR Part 60, Subpart Eb, as promulgated on December 19, 1995). This determination was based on the NSPS and emissions guidelines that were published in the Federal Register on December 19, 1995, and codified at 40 CFR Part 60, Subparts Eb and Cb, respectively.

In addition to the publication of this action, EPA is placing a copy of this determination on its Technology Transfer Network (TTN) bulletin board service.

(Sec. 111 and Sec.129, Clean Air Act (42 U.S.C. 7411))

Dated: January 13, 1997.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 97–2325 Filed 1–29–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 63

[AD–FRL–5682–3]

National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule deadline extension.

SUMMARY: On January 25, 1995, the EPA issued national emission standards for hazardous air pollutants (NESHAP) under Section 112 of the Clean Air Act as amended by the Clean Air Act Amendments of 1990, for Hard and