

POSTAL SERVICE**39 CFR Part 960****Implementation of the Contract With America Advancement Act**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending the rules implementing the Equal Access to Justice Act in Postal Service proceedings to reflect the statutory increase in the amount of the hourly fees payable.

EFFECTIVE DATE: November 2, 2001.

FOR FURTHER INFORMATION CONTACT: Diane M. Mego, (703) 812-1905.

SUPPLEMENTARY INFORMATION: The Contract with America Advancement Act of 1996 (Pub. L. 104-121, 110 Stat. 857 (1996)) increased the maximum amount of attorney fees under the Equal Access to Justice Act from \$75 per hour to \$125 per hour. This rulemaking amends 39 CFR part 960 to conform with the statutory change. In addition, language specifying the allowable fees for expert witnesses is being deleted.

These are statutorily mandated changes in agency rules of procedure before the Judicial Officer and, therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects in 39 CFR Part 960

Administrative practice and procedure, Equal access to justice, Postal Service.

Accordingly, the Postal Service adopts amendments to 39 CFR part 960 as specifically set forth below:

PART 960—[AMENDED]

1. The authority citation for part 960 continues to read as follows:

Authority: 5 U.S.C. 504 (c) (1); 39 U.S.C. 204, 401 (2).

§ 960.6 [Amended]

2. Section 960.6(b) is amended by removing “\$75.00 per hour” and adding “\$125.00 per hour, or such rate as prescribed by 5 U.S.C. 504”.

3. Section 960.6(b) is further amended by removing “, which is generally \$50.00 per hour”.

§ 960.7 [Amended]

4. Section 960.7(a) is amended by removing “\$75 per hour” and adding

“\$125.00 per hour, or such rate as prescribed by 5 U.S.C. 504,”.

Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[AD-FRL-7096-1]

RIN 2060-AC28

Ethylene Oxide Emissions Standards for Sterilization Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: This action finalizes amendments to the emissions standards for sterilization facilities by eliminating maximum achievable control technology (MACT) requirements for chamber exhaust vents. This action reduces safety problems associated with the existing requirements. This action also amends testing and monitoring requirements for sterilization chamber, aeration, and chamber exhaust vents to correct technical problems associated with the existing requirements.

EFFECTIVE DATE: November 2, 2001.

ADDRESSES: Docket No. A-88-03 contains supporting information used in developing the standards for the ethylene oxide commercial sterilization source category. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460 in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David W. Markwordt, Policy, Planning, and Standards Group, Emission Standards Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0837, facsimile (919) 541-0942, electronic mail address: markwordt.david@epa.gov.

SUPPLEMENTARY INFORMATION: *Docket.* The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate

documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's final rule amendments will also be available on the WWW through the EPA's Technology Transfer Network (TTN). Following signature, a copy of the rule amendments will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules, <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

Regulated Entities. Categories and entities regulated by this action include:

Category	SIC ^a /NAICS ^b	Examples of regulated entities
Industry	3841, 3842 ... 2834, 5122, 2831, 2833 2099, 5149, 2034, 2035, 2046 7399, 7218, 8091	Medical suppliers. Pharmaceuticals. Spice manufacturers. Contract sterilizers.

^a Standard Industrial Classification Code.

^b North American Information Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in § 63.2131 of the final rule.

Judicial Review. Under section 307(b) of the CAA, judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by January 2, 2002. Under section 307(d)(7)(B) of the CAA, only an objection to these rule amendments which was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section