

GLOBAL PACKAGE LINK TO JAPAN—Continued

Weight not over (pounds)	Price per item (\$)			
	Premium	Standard	Economy	Returns
32	107.47	142.30	.....	94.70
33	110.34	145.17	.....	97.50
34	113.21	151.16	.....	100.40
35	116.08	154.03	.....	103.20
36	118.95	160.02	.....	106.00
37	121.82	162.89	.....	108.80
38	124.69	168.88	.....	111.60
39	127.56	171.75	.....	114.40
40	130.43	177.73	.....	117.20
41	141.15	191.23	.....	120.00
42	144.19	197.57	.....	122.80
43	147.23	200.61	.....	125.60
44	150.27	203.65	.....	128.40

Discounts for GPL service to Japan are as follows:

- a. 25,000 to 100,000 packages: 0%
- b. 100,001 to 250,000 packages: 4.75%
- c. 250,001 to 500,000 packages: additional 5.75%
- d. 500,001 to 1,000,000 packages: additional 6.00%
- e. More than 1,000,000 packages: additional 6.25%

8. Effective April 9, 1997, the individual country listing for Canada is amended by removing the following Global Package Link information:

DESCRIPTION, DELIVERY OPTIONS, PROCESSING FACILITIES, PROCESSING AND ACCEPTANCE [Only the part not referring to Ground Gateway Acceptance], REQUIRED PACKAGE SPECIFIC INFORMATION, INSURANCE AND INDEMNITY, CATALOG HARMONIZATION, POSTAGE, SIZE AND WEIGHT LIMITS, CUSTOMS and PREPARATION REQUIREMENTS.

[The following items will be retained in the country page:]

PROCESSING AND ACCEPTANCE [Only the part explaining the Ground Gateway acceptance, including within 500 Miles and More than 500 miles.]

The Rate Chart [With the three levels of service, Air Courier, Ground Courier, Ground Gateway and return service rates.]

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Stanley F. Mires,

Chief Counsel Legislative.

[FR Doc. 97-8861 Filed 4-8-97; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN40-01-6988a; FRL-5694-4]

Approval and Promulgation of State Implementation Plan; Minnesota; Enhanced Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) submitted by the State of Minnesota. The State's revision expands the types of testing and monitoring data, including stack and process monitoring, which can be used directly for compliance certifications and enforcement.

DATES: This "direct final" rule is effective June 9, 1997 unless Environmental Protection Agency (EPA) receives adverse or critical comments by May 9, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available at the above address for public inspection during normal business hours.

Comments may be mailed to: Carlton T. Nash, United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Brad J. Beeson at (312) 353-4779.

SUPPLEMENTARY INFORMATION:

I. Background

In 1990, Section 114 of the Clean Air Act (Act) was amended to require the Administrator of EPA to promulgate rules implementing an enhanced

monitoring and compliance program for major stationary sources of air pollution. EPA determined that certain SIPs may preclude EPA and the States from implementing such a program because the SIPs may be interpreted to limit the types of testing and monitoring data that may be used for determining compliance and establishing violations. Therefore, EPA issued a SIP call to those States whose SIPs may have limited the types of testing and monitoring data that may be used for determining compliance and establishing violations.

On March 24, 1994, EPA issued a SIP call to the State of Minnesota to revise its SIP. As part of the SIP call EPA provided draft SIP language to the State. The SIP call clarified that any monitoring approved for the source (and included in a federally enforceable operating permit) may form the basis of the compliance certification, and that any credible evidence may be used for purposes of enforcement in Federal court.

II. State Submittal

On March 14, 1995, the Minnesota Pollution Control Agency (MPCA) made an official plan submission in response to the EPA's SIP call. The submittal included the State's public notice requesting comments or a public hearing on the proposed rule changes. No public comments were received nor was there a request for a public hearing.

The submittal also included Minnesota Statute §§ 7007.0800 Subpart 6 and 7017.0100 Subpart 1 and 2. These rules were amended to comply with the new enhanced monitoring requirements.

III. Analysis of State Submittal

The model rule provided by the EPA consisted of two parts. The first part of the model rule concerned compliance certification, while the second part concerns enforcement.

A. Compliance Certifications

EPA's model rule concerning compliance certification provides that for the purpose of submission of compliance certifications the owner or operator is not prohibited from using an enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64, or any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

The amended rules submitted by MPCA clearly meet the requirements established in EPA's model rule. Subpart 6 of § 7007.0800 refers not only to the Federal SIP, but to all "applicable requirements," which would include all MPCA rules that regulate emission permit sources. All Federal SIP provisions are by definition included with "applicable requirements," in Subpart 7, § 7007.0100.

Similarly Subpart 6 of § 7007.0800 will cover not only all Federally enforceable permits, but also any monitoring method issued as part of a State permit even if it is not federally enforceable.

B. Enforcement

EPA's suggested language concerning enforcement provides that "any credible evidence" may be used for the purpose of establishing whether a person has violated the applicable sections of the SIP. In addition, EPA's model rule lists methods that are to be considered presumptively credible evidence of whether a violation occurred at a source, as well as which testing, monitoring or information gathering methods are presumptively credible.

The amended rules submitted by MPCA clearly meet the requirements established in EPA's model rule. The language added to § 7017, Subparts 1 and 2, gives evidentiary standing to essentially any monitoring method which a source is required to use by either an applicable requirement or a compliance document, and to any other credible evidence. The definitions of applicable requirement and compliance document are so broad as to include all the sources of monitoring requirements listed in EPA's model rule.

C. Concluding Statement

In large part the State's rule follows the EPA's model rule. In fact, the State only deviates from EPA's model rule by expanding its coverage. Minnesota's amendments go beyond the scope of the model rule to not just the specific situations that the EPA expressed concern about, but also similar situations coming under the MPCA's

jurisdiction. Therefore, EPA believes this revision will enhance the State's capability for determining compliance with, and for establishing violations of, the underlying emission limitations.

IV. Action

The EPA is approving a revision to Minnesota's SIP. The revision expands the types of testing and monitoring data, including stack and process monitoring, which can be used directly for compliance certifications and enforcement.

V. Administrative Requirements

A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The 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.

B. 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 has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

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.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976).

D. 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 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.

The EPA has determined that the approval action promulgated today 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 the private sector, result from this action.

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 9, 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)).

F. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the APA amended 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 the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

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, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 7, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

Part 52, Chapter I, title 40 of the 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 Y—Minnesota

2. Section 52.1220 is amended by adding paragraph (c)(44) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(44) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) Minnesota Statutes, sections 7007.0800 Subpart 6.C.(5), 7017.0100 Subparts 1 and 2, both effective February 28, 1995.

[FR Doc. 97–8969 Filed 4–8–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA126–0030; FRL–5804–5]

Approval and Promulgation of Implementation Plans; California—Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This action corrects language to Title 40 of the Code of Federal Regulations that appeared in two final rules published in the **Federal Register** on January 8, 1997 and one direct final rule published in the **Federal Register** on January 17, 1997.

EFFECTIVE DATE: This action is effective on April 9, 1997.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION: On January 8, 1997 at 62 FR 1149 and 62 FR 1187, EPA published two final rulemaking actions approving various sections of the California State Implementation Plan (SIP). Also, on January 17, 1997 at 62 FR 2597, EPA published a direct final rulemaking action approving sections of the California SIP. All three of these actions resulted in amendments to 40 CFR Part 52, Subpart F. These amendments which incorporated material by reference into section 52.220, Identification of plan, subparagraph (c)(213) do not accurately reflect the three regulatory actions. These amendments are being corrected in this action. In addition, the January 17, 1997 action contained two omissions which appeared in 40 CFR 52.220, subparagraphs (c)(207)(i)(E) and (c)(225)(i)(E). These subparagraphs should have been identified as Monterey Bay Unified Air Pollution Control District. The identification of these two subparagraphs is also being corrected in this action.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

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 this rule in today’s **Federal Register**. This rule is

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

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 California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 14, 1997.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the 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 F—California

2. Section 52.220 is amended by revising paragraphs (c)(207)(i)(E), (c)(213) and (c)(225)(i)(E) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(207) * * *

(i) * * *

(E) Monterey Bay Unified Air Pollution Control District.

* * * * *

(213) California Statewide Emission Inventory submitted on March 30, 1995, by the Governor’s designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(I) 1990 Base-Year Emission Inventory for Ozone Nonattainment Areas in California.

(i) Sacramento, San Diego, San Joaquin Valley, South Coast, Southeast Desert, Ventura.

(ii) Santa Barbara.

(iii) Monterey Bay Area.

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(225) * * *

(i) * * *

(E) Monterey Bay Unified Air Pollution Control District.

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[FR Doc. 97–9007 Filed 4–8–97; 8:45 am]

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