Under the new rule, the current treatment given to pieces bearing the endorsement "Do Not Forward" will become the default method of handling unendorsed UAA single-piece rate Standard Mail (A). Thus, single-piece rate Standard Mail (A) mailers not desiring forwarding will be able to choose among three options:

1. Using no endorsement, in which case a UAA piece (if uninsured) will be discarded if it is undeliverable;
2. Using the endorsement "Return Service Requested," in which case a UAA piece will be returned with the new address or reason for nondelivery attached, subject to return postage at the single-piece rate; or
3. Using the endorsement "Change Service Requested," in which case a UAA piece will be discarded and the mailer provided with a separate notice of new address or reason for nondelivery, subject to the address correction fee.

No comments were received on the final rule for the treatment of single-piece rate Standard Mail (A). Therefore, the Postal Service adopts the corresponding DMM standards as published in the final rule on March 28, 1997, in the **Federal Register** (62 FR 15056–15066). For the convenience of the public, the Postal Service republishes the specific rules relating to the change in the treatment of single-piece rate Standard Mail (A).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Amend the Domestic Mail Manual as set forth below:

F Forwarding and Related Services

F000 Basic Services

F010 Basic Information

* * * * *

[Revise the heading of 5.0 to read as follows:]

5.0 CLASS TREATMENT FOR ANCILLARY SERVICES

* * * * *

5.3 Standard Mail (A)

[Amend 5.3 by revising 5.3a, 5.3e, 5.3f, and the chart to read as follows:]

Undeliverable Standard Mail (A) is treated as described in the chart below and under these conditions:

a. Insured Standard Mail (A) is treated as though endorsed "Address Service Requested."

* * * * *

e. When a large volume of identical-weight pieces originates from a single mailer and is endorsed "Return Service Requested," the USPS may use the weight of a sample of at least 25 pieces and divide that weight by the number of pieces in the sample. After the average per piece weight is determined, the pieces are weighed in bulk to determine the number of pieces subject to the single-piece rate for return. Pieces of identical weight counted in this manner, regardless of weight, are returned to the sender with the new address or the reason for nondelivery endorsed on the piece.

f. The weighted fee is the appropriate Standard Mail (A) single-piece rate, multiplied by a factor of 2.472 and rounded up to the next whole cent (if the computation yields a fraction of a cent). The weighted fee is computed (and rounded if necessary) for each mailpiece individually. Neither the applicable postage, the factor, nor any necessary rounding is applied cumulatively to multiple pieces. The fee is charged when an unforwardable or undeliverable piece is returned to the sender and the piece bears the endorsement "Address Service Requested" or "Forwarding Service Requested." Use of these endorsements obligates the sender to pay the weighted fee on any returns.

* * * * *

STANDARD MAIL (A)

Mailer endorsement	USPS Action on UAA pieces
"Address Service Requested" [1] ..	Months 1 through 12: mailpiece forwarded; no charge; separate notice of new address provided; address correction fee charged. Months 13 through 18: mailpiece returned with new address attached; only Standard Mail (A) weighted fee charged (address correction fee not charged). After month 18, or if undeliverable: mailpiece returned with reason for nondelivery attached; only Standard Mail (A) weighted fee charged (address correction fee not charged).
"Forwarding Service Requested"	Months 1 through 12: mailpiece forwarded; no charge. Months 13 through 18: mailpiece returned with new address attached; only Standard Mail (A) weighted fee charged (address correction fee not charged). After month 18, or if undeliverable: mailpiece returned with reason for nondelivery attached; only Standard Mail (A) weighted fee charged (address correction fee not charged).
"Return Service Requested"	Mailpiece returned with new address or reason for nondelivery attached; only return postage at Standard Mail (A) single-piece rate charged (address correction fee not charged).
"Change Service Requested" [1] ...	Separate notice of new address or reason for nondelivery provided; in either case, address correction fee charged; mailpiece disposed of by USPS.
No endorsement	Mailpiece disposed of by USPS. (No exception for Single-Piece Standard Mail, which must be endorsed if forwarding or return is desired.)

[1] Valid for all mailpieces, including Address Change Service (ACS) participating mailpieces.

* * * * *

An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–11523 Filed 5–2–97; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI50–01–7257; FRL–5819–5]

Promulgation of Reid Vapor Pressure Standard; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) is approving a revision to the Michigan State Implementation Plan (SIP) establishing a summertime gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe counties in Michigan (Detroit—Ann Arbor consolidated metropolitan statistical area (CMSA)). The marketing of less volatile gasoline

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reduces excessive evaporation of fuel during the summer months. Evaporated gasoline combines with other pollutants on hot summer days to form ground-level ozone, commonly referred to as smog. Ozone pollution is of particular concern because of its harmful effects on lung tissue and breathing passages.

On August 30, 1996, the EPA published a Notice of Proposed Rulemaking (NPRM) proposing to approve the SIP revision. During the comment period EPA received comments from one commentator, which were adverse.

This document summarizes the comments received, EPA's responses and finalizes the approval of Michigan's SIP revision to establish a RVP limit of 7.8 psi for gasoline sold in the Detroit—Ann Arbor CMSA.

EFFECTIVE DATE: This rule will become effective on May 5, 1997.

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

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 April 1995, the Detroit-Ann Arbor CMSA was redesignated as an attainment area for ozone. At the time the area was redesignated to attainment, EPA approved, as a revision to the Michigan SIP, contingency measures including a 7.8 psi RVP fuels program. During the summer of 1995 monitors in the Detroit-Ann Arbor CMSA recorded several violations of the ozone standard. Therefore, the State is required to implement an ozone contingency measure.

On January 6, 1996, Michigan Governor John Engler sent a letter to EPA advising EPA the State had selected the 7.8 psi (low-RVP) fuels program as one of the contingency measures to be implemented in the Detroit area. On May 16, 1996, the State submitted the low-RVP portion of their fuels program to EPA for approval. The program would require gasoline sold in the Detroit-Ann Arbor CMSA to a standard of 7.8 psi from June 1 to September 15. See 61 FR 45926 (August 30, 1996) for further details of the program. The EPA reviewed the SIP revision submitted by the State to determine completeness in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). On May 24, 1996, EPA found the State's SIP submittal complete.

State governments are preempted under Section 211(c)(4)(A) of the Clean Air Act from mandating a gasoline volatility standard not identical to any Federal standard promulgated under Section 211(c)(1) that is applicable to the same characteristic. However, under Section 211(c)(4)(C) a State can require, through a SIP revision, a more stringent RVP standard for a particular area if the EPA finds that the more stringent standard is necessary to achieve the National Ambient Air Quality Standard for ozone. The EPA can approve a preempted state fuel requirement as necessary; only if no other measures would bring about timely attainment, or if other measures exist but are unreasonable or impracticable. In addition to demonstrating necessity as part of the Section 211(c)(4)(C) waiver process, under Section 110 the State must also submit an adequate description of the low-RVP program and associated enforcement procedures. If EPA finds that a State has shown necessity and has provided an adequate description of the program, EPA may approve the SIP revision requiring the lower State RVP standard for the selected areas.

On August 30, 1996, EPA proposed approval of the State's SIP revision to establish a low-RVP program in the Detroit-Ann Arbor CMSA. As detailed in the proposed approval at 61 FR 45926, EPA found the State's demonstration sufficient to satisfy the necessity requirement of Section 211(c)(4)(C) of the Act. Additionally, EPA found that the State's description of the program and associated enforcement procedures were sufficient for approval.

II. Public Comment and EPA Response

During the comment period comments were received from only one commentator. The following summarizes each comment and provides EPA's response.

Comment

The first comment questioned whether implementation of a low-RVP program alone would be sufficient to reduce ozone and ozone precursor emissions in the Detroit-Ann Arbor area. In support of this position, the commentator cites recent air quality monitoring data showing exceedances of the 120 parts per billion one-hour standard. The data includes ozone monitoring values from monitors in Detroit as well as Southern Ontario, Canada, which is directly downwind of Detroit.

EPA Response

The State is obligated under its maintenance plan to implement further emission control measures if the low-RVP program is not effective in reducing violations of the ozone standard. Implementation of a low-RVP program was only one of several measures the State has in its contingency plan. Therefore, there are other measures in the State's contingency plan which could be and must be implemented if the low-RVP program is not effective.

Comment

The last comment concerns whether consensus was reached by the Michigan Contingency Measure Workgroup in selecting a low-RVP program as a contingency measure. The commentator states that "the workgroup which was convened to consider and select contingency measures did not result in consensus recommendations."

EPA Response

Websters' Dictionary defines consensus as a general agreement, or a judgment arrived at by most of those concerned. In the recommendation section of the Workgroup's final report a low-RVP program is listed as one of the recommended contingency measures. The report further states that most of the participants concurred with recommended contingency measures. While the recommendation for a low-RVP program was not unanimous, the recommendation was clearly supported by a majority of the Workgroup. The EPA concludes that the Workgroup reached consensus on the recommendation of low-RVP as a contingency measure.

III. Action

The EPA is approving a revision to Michigan's SIP to establish a summertime gasoline RVP limit of 7.8 psi for gasoline sold in Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe counties.

IV. 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.

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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., the 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, but simply approves pre-existing requirements under state law. 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. *EPA*, 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.

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 July 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)).

F. 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 the **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.

Dated: April 4, 1997.

Valdas V. Adamkus,

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 X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(108) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(108) On May 16, 1996, the State of Michigan submitted a revision to the Michigan State Implementation Plan (SIP). This revision is for the purpose of establishing a gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe counties in Michigan.

(i) Incorporation by reference.

(A) House Bill No. 4898; signed and effective November 13, 1993.

(B) Michigan Complied Laws, Motor Fuels Quality Act, Chapter 290, Sections 642, 643, 645, 646, 647, and 649; all effective November 13, 1993.

(C) Michigan Complied Laws, Weights and Measures Act of 1964, Chapter 290, Sections 613, 615; all effective August 28, 1964.

(ii) Additional materials.

(A) Letter from Michigan Governor John Engler to Regional Administrator Valdas Adamkus, dated January 5, 1996.

(B) Letter from Michigan Director of Environmental Quality Russell Harding to Regional Administrator Valdas Adamkus, dated May 14, 1996.

(C) State report titled "Evaluation of Air Quality Contingency Measures for Implementation in Southeast Michigan," submitted to the EPA on May 14, 1996.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7664]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.