

parties and accepted comments until August 23, 2002. This final rule contains the DMM standards adopted by the Postal Service after review of the comment that was submitted.

#### Evaluation of Comments Received

The Postal Service received one piece of correspondence offering comments on the July 24 proposed rule. The respondent is a large business mailer.

Based on additional costs expected to be incurred, due to stock on hand, the mailer proposed a December 31, 2003, implementation date.

Metal straps, bands, buckles, or seals used to secure the ends of other nonmetal strapping material, can create serious safety hazards to personnel and equipment preparing, processing and distributing the mail. In addition, the accumulation and disposal of metal strapping materials can create additional hazardous situations and environmental concerns. It should be noted that current Postal Service standards for packaging mail prohibit the use of metal or wire for securing mail into packages, and the standards for traying mail specify the use of plastic straps for securing tray sleeves and lids.

The Postal Service is committed to integrating safety into all postal operations, not only for its employees but also for its customers. Serious injuries, such as deep cuts, can occur when metal bands are applied, often when removed. In addition, the Postal Service is committed to conservation initiatives and supports environmentally sound practices. In keeping with these two commitments, the Postal Service believes that eliminating the use of metal straps or on palletized mail will improve employee and customer safety and promote better resource conservation.

The *Domestic Mail Manual* is revised as follows. These changes are incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, 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, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the *Domestic Mail Manual* (DMM) as set forth below:

#### *Domestic Mail Manual* (DMM)

\* \* \* \* \*

#### M Mail Preparation and Sortation

##### M000 General Preparation Standards

\* \* \* \* \*

##### M040 Pallets

##### M041 General Standards

\* \* \* \* \*

#### 1.0 PHYSICAL CHARACTERISTICS

\* \* \* \* \*

#### 1.3 Securing Pallets

[Revise 1.3 to read as follows:]

Except for stacked pallets under 3.1 and pallet boxes under 4.3, each loaded pallet of mail must be prepared to maintain the integrity of the mail and the entire pallet load during transport and handling using one of the following methods:

a. Securing with at least two straps or bands of appropriate material. Wire or metal bands, straps, buckles, seals, and similar metal fastening devices may not be used.

b. Wrapping with stretchable or shrinkable plastic.

c. Securing with at least two straps or bands of appropriate material and wrapping with stretchable or shrinkable plastic. Wire and metal bands and straps, metal buckles, metal seals, and similar metal fastening devices may not be used.

\* \* \* \* \*

#### 3.0 STACKING PALLETES

[Revise the heading of 3.1 and the text of item d to read as follows:]

##### 3.1 Physical Characteristics

\* \* \* \* \*

d. The stack of pallets is secured with at least two straps or bands of appropriate material to maintain the integrity of the stacked pallets during transport and handling. Wire or metal bands, straps, buckles, seals, and similar metal fastening devices may not be used. The stack of pallets may not be secured together with stretchable or shrinkable plastic.

\* \* \* \* \*

#### 4.0 PALLET BOXES

\* \* \* \* \*

#### 4.3 Securing

[Revise 4.3 to read as follows:]

Pallet boxes must be secured to the pallet with strapping, banding, stretchable, plastic, shrinkwrap, other material (Wire or metal bands, straps, buckles, seals, and similar metal fastening devices may not be used) that

ensures that the pallet can be safely unloaded from vehicles, transported, and processed as a single unit to the point where the contents are distributed with the load intact if: \* \* \*

\* \* \* \* \*

An appropriate amendment to 39 CFR 111 will be published to reflect the changes.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02–27499 Filed 10–29–02; 8:45 am]

**BILLING CODE 7710–12–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC 104–200239(a); FRL–7400–4]

#### Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to Inspection and Maintenance (I/M) Regulations Within the North Carolina State Implementation Plan

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

**ACTION:** Direct final rule.

**SUMMARY:** On August 7, 2002, the North Carolina Department of Environment and Natural Resources submitted revisions to the North Carolina State Implementation Plan (SIP). These revisions are contained within 15A NCAC 2D .1000 Motor Vehicle Emissions Control Standards. North Carolina has submitted these rules for an enhanced inspection and maintenance (I/M) program which is a component of the State's Nitrogen Oxides (NO<sub>x</sub>) Budget and Allowance Trading Program. The I/M program establishes reductions which are being utilized by the State as part of their NO<sub>x</sub> SIP budget. Approval of these I/M rules allow North Carolina to gain credits ranging from 914 tons in 2004 to 4,385 credits in 2007. These credits are then used to determine the number of credits that will be made available for new growth in North Carolina. This submittal resolves all outstanding issues and allows for EPA's final approval of the State's NO<sub>x</sub> Budget and Allowance Trading Program. The final approval of the North Carolina NO<sub>x</sub> Budget and Allowance Trading Program, which was proposed for approval in 67 FR 42519 and received no adverse comments, will be processed in a later action. The EPA is approving these revisions.

**DATES:** This direct final rule is effective December 30, 2002 without further notice, unless EPA receives adverse

comment by November 29, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Randy Terry, 404/562-9032. North Carolina Department of Environment, Health, and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

**FOR FURTHER INFORMATION CONTACT:**

Randy B. Terry, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9032. Mr. Terry can also be reached via electronic mail at [terry.randy@epa.gov](mailto:terry.randy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On August 7, 2002, the North Carolina Department of Environment and Natural Resources submitted revisions to the North Carolina SIP. These revisions involve the amending of multiple rules within Section 15A NCAC 2D .1000 Motor Vehicle Emissions Control Standards to establish an enhanced I/M program. An analysis of each of the major revisions submitted is listed below.

**II. Analysis of State's Submittal**

**15A NCAC 2D**

**.1001 Purpose**

This rule has been amended to change "vehicle exhaust emission standard" to "vehicle emission control standard."

**.1002 Applicability** This rule is being amended to replace the list of nine counties where tailpipe testing is currently required with a reference to the North Carolina General Statutes that lists the counties covered under the I/M program.

**.1004 Tailpipe Emission Standards for CO (Carbon Monoxide) and HC (Hydrocarbon)**

This rule is being amended to list the nine counties covered under the tailpipe testing program, to reference the tailpipe testing procedures and to state that the requirements of this Rule expire on January 1, 2006.

**.1005 On-board Diagnostic Standards**

This rule is being amended to specify that 1996 and later modeled-year vehicles are to be inspected using On Board Diagnostics (OBD) test. The federal procedures are incorporated by reference.

Approval of these I/M rules allow North Carolina to gain credits ranging from 914 tons in 2004 to 4,385 credits in 2007. These credits are then used to determine the number of credits that will be made available for new growth in North Carolina. The total credits obtained from these I/M rules and the credits allocated for new growth are detailed in the North Carolina Nitrogen Oxides (NO<sub>x</sub>) Budget and Allowance Trading Program **Federal Register** proposal notice (67 FR 42519).

**III. Final Action**

EPA is approving the aforementioned changes to the SIP because the revisions are consistent with Clean Air Act and EPA regulatory requirements. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective December 30, 2002 without further notice unless the Agency receives adverse comments by November 29, 2002.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments

are received, the public is advised that this rule will be effective on December 30, 2002 and no further action will be taken on the proposed rule.

Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

**IV. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from

Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 December 30, 2002. 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, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 21, 2002.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart II—North Carolina

2. In § 52.1770(c), table 1 is amended under subchapter 2D by revising entries .1001; .1002; .1004; and .1005 to read as follows:

#### § 52.1770 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 1.—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Subchapter 2D .....	Air Pollution Control Requirements			
* * *	* * *	* * *	* * *	*
Section .1000 .....	Motor Vehicle Emissions Control Standards			
Sect. .1001 .....	Purpose .....	7/01/02	10/30/02 and FR page citation.	
Sect. .1002 .....	Applicability .....	7/01/02	10/30/02 and FR page citation.	
* * *	* * *	* * *	* * *	*
Sect. .1004 .....	Emission Standards .....	7/01/02	10/30/02 and FR page citation.	
Sect. .1005 .....	Measurement and Enforcement .....	7/01/02	10/30/02 and FR page citation.	
* * *	* * *	* * *	* * *	*

[FR Doc. 02-27495 Filed 10-29-02; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MO 165-1165a; FRL-7401-4]

### Approval and Promulgation of Implementation Plans; State of KS

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking final action to approve a volatile organic compound

(VOC) rule applicable to the Kansas portion of the Kansas City maintenance area as a revision to the Kansas State Implementation Plan (SIP). This rule restricts VOC emissions from area sources. The effect of this approval is to ensure Federal enforceability of the state air program rules and to maintain consistency between the state-adopted rules and the approved SIP. This action also determines that Kansas has met the condition of approval of its revised maintenance plan for Kansas City and rescinds the prior conditional approval of the revised maintenance plan.

**DATES:** This direct final rule will be effective December 30, 2002, unless EPA receives adverse comments by November 29, 2002. If adverse

comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Leland Daniels, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.