

mail processing operations and reduce overall costs.

Because of the response received, and because bedloaded bundles are generally not cost-efficient for the Postal Service to handle and process, the Postal Service is removing the option to prepare Periodicals flats as bedloaded bundles. Effective March 31, 2002, all Periodicals flats must be prepared in sacks or on pallets.

This change does not apply to mailers who transport packages of Periodicals to destination delivery units under exceptional dispatch.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

#### 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, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

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

#### M Mail Preparation and Sortation

##### M000 General Preparation Standards

M010 Mailpieces

M011 Basic Standards

##### 1.0 Terms and Conditions

\* \* \* \* \*

##### 1.3 Preparation Instructions

[Delete item z, which defines a “bundle.” Renumber items aa through ac as items z through ab, respectively.]

\* \* \* \* \*

M013 Optional Endorsement Lines

##### 1.0 Use

##### 1.1 Basic Standards

[Revise 1.1 by deleting the entry for SCF.]

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##### M200 Periodicals (Nonautomation)

##### M210 Presorted Rates

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[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

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M220 Carrier Route Rates

\* \* \* \* \*

[Delete section 5.0, Bedloaded Bundles (Flat-Size Pieces). Renumber section 6.0 as 5.0.]

\* \* \* \* \*

This change will be published in a future issue of the Domestic Mail Manual. An appropriate amendment to 39 CFR 111 to reflect these changes will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

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BILLING CODE 7710–12–U

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 62

[IN139–1a; FRL–7155–3]

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

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a negative declaration submitted by the State of Indiana which indicates that the State does not need regulations covering existing Small Municipal Waste Combustors (MWC) units. Indiana submitted its negative declaration regarding this category of sources in letters dated November 7, 2001, and December 3, 2001. The declaration was based on a systematic search of the State's internal databases, which resulted in the determination that there are no affected small MWC units in Indiana.

**DATES:** This rule is effective on May 7, 2002, unless EPA receives adverse written comments by April 8, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the negative declaration is available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Paskevicz at (312) 886–6084 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Environmental Engineer,

Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, Chicago, Illinois 60604, (312) 886–6084.

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used we mean EPA.

#### Table of Contents

- I. What Is the Background for This Action?
- II. Negative Declarations and Their Justification.
- III. EPA Review of Indiana's Negative Declaration.
- IV. Administrative Requirements.

#### I. What is the Background for This Action?

On December 6, 2000, the EPA finalized a rule for small MWC units. EPA promulgated this rule based on sections 111(d) and 129 of the Clean Air Act (Act) Amendments of 1990. The federal rule includes emission guidelines for existing units and standards of performance for new, modified or reconstructed sources. EPA published the rule for existing small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76378), to be codified at 40 CFR part 60, subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units.) EPA published rules for new, modified and reconstructed small MWC units in the **Federal Register** on December 6, 2000, (65 FR 76350), to be codified at 40 CFR part 60, subpart AAAA (New Source Performance Standards for New Small Municipal Waste Combustion Units). The regulatory text and other background information for these final rulemakings can be accessed electronically from the EPA Technology Transfer Network website. For small MWC the website address is: <http://www.epa.gov/ttn/atw/129/mwc/rimwmc2.html>

Sections 111(d) and 129 of the Act require States in which a designated existing facility is operating one or more small MWC units to submit to EPA a plan to implement and enforce the emission guidelines. If, however, there are no small MWC units and the State therefore chooses not to develop and submit such a plan, it must submit a negative declaration letter. (40 CFR 60.1510, 62.06.) Section 129 of the Act requires that the State plan be at least as protective as the emission guidelines and must provide for compliance by the affected facilities no later than 3 years after EPA approves the State plan, but no later than 5 years after EPA promulgates the emission guidelines. Sections 111(d) and 129 of the Act also require EPA to develop, implement and

enforce a Federal Implementation Plan if a State fails to submit an approvable State plan. The small MWC plan must address regulatory applicability, increments of progress for retrofit, operator training and certification, operating practices, emission limits, continuous emission monitoring, stack testing, record keeping, and reporting, and requirements for air curtain combustors. States are required to follow the requirements of 40 CFR part 60, subpart B, and 40 CFR part 62, regarding the adoption and submittal of State plans for designated facilities.

In addition to the publication of the emission guidelines document, EPA notified each of the States of the requirements listed in the rule. On February 23, 2001, EPA, Region 5 asked Indiana to provide information so EPA could determine if the State was required to develop and submit the required plan. The State began a detailed review of its internal databases at the Office of Land Quality to ascertain the status of small MWC facilities. This effort resulted in a determination there were no small MWC units and culminated in the State's request for a negative declaration.

## II. Negative Declarations and Their Justification

The EPA does not require States to develop plans or regulations to control emissions from sources for which there are none present in the State (40 CFR 62.06). If the State thinks that there may be some small MWC units in operation, it should examine available records on these sources before initiating the planning and regulation development process. If after a careful examination of available information, the State finds no sources for this source category, then it may prepare and submit to EPA a negative declaration stating there are no sources in the State which match this source category. This is done in lieu of submitting a control strategy.

On November 7, 2001, the State of Indiana submitted to EPA a negative declaration regarding the need for a regulation covering small MWC units. The State supplemented this submission on December 3, 2001. The Indiana Department of Environmental Management (IDEM) reviewed its Office of Land Quality rules, 329 IAC 11-17-1, which call for permits for solid waste processing facilities. IDEM evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart BBBB, 40 CFR 60.1550 through 60.1565) and searched a database containing the applicable records. Three facilities were identified but found to be either a "major source" and thus subject

to the large MWC emission guideline at 40 CFR part 60, subpart Cb, or a source subject to the Hospital and Medical Infectious Waste Incinerator (HMIWI) rule at 40 CFR part 60, subpart Ce. These sources are referenced by the State in its letter submitting the negative declaration.

The State also searched a second database as a source of information on small MWC units. This database is part of the State's Office of Air Quality emission reporting system developed under Indiana emission reporting rule, 326 IAC 2-6, and contains emission information for sources at the process level. Indiana searched in this database by Source Classification Codes (SCC) for solid waste or refuse-derived fuel combustion processes. The SCCs selected included 101-012-02, 103-012-02, and 501-001-01 through 501-001-05. They identified only sources that are subject to the large MWC and HMIWI emission guidelines. No small MWC sources were found. Based on this search, the IDEM concluded that there are no affected small MWC units in Indiana.

This conclusion is consistent with an inventory review conducted in May 1998 by EPA Regional Offices and State air pollution control agencies. Those agencies did not find any small MWC units in Indiana.

## III. EPA Review of Indiana's Negative Declaration

EPA has examined the State's negative declaration regarding the lack of need for a regulation controlling emissions from small MWC units. EPA agrees that, at this time, there appear to be no unregulated small incinerators in Indiana which would require the adoption of rules to control this source category. If a new source chooses to construct in Indiana, it would be required to comply with new source performance standard requirements published for small MWC units on December 6, 2000 (65 FR 76350). If, at a later date, an existing small MWC unit is identified in the State, the Federal plan implementing the emission guidelines contained in subpart BBBB will automatically apply to that MWC unit until the State develops a plan and EPA approves it. 40 CFR 60.1530.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State's negative declaration should adverse written comments be filed. This action will be effective without further notice

unless EPA receives relevant adverse written comment by April 8, 2002. Should EPA receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on May 7, 2002.

## 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. 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 Indiana's declaration that there are no small MWC's located in Indiana which would be subject to an MWC regulation if one were adopted. Therefore, the State does not need to adopt a MWC regulation. Any new MWC's built in Indiana will be subject to New Source Performance Standards. Because this rule approves state negative declarations and does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does 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), nor will it 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), because it merely approves a state declaration that a rule implementing a federal standard, is unnecessary 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 (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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. 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). This rule will be effective May 7, 2002 unless EPA receives adverse written comments by April 8, 2002.

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 May 7, 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 28, 2002.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

For the reasons stated in the preamble, part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

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

#### Subpart P—Indiana

2. A new center heading and § 62.3645 are added to read as follows:

#### **Emissions From Small Municipal Waste Combustion Units With the Capacity to Combust at Least 35 Tons Per Day of Municipal Solid Waste But No More Than 250 Tons Per Day of Municipal Solid Waste and Commenced Construction on or Before August 30, 1999**

##### **§ 62.3645 Identification of plan—negative declaration.**

On November 7, 2001, and December 3, 2001, the State of Indiana certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Indiana.

[FR Doc. 02-5598 Filed 3-7-02; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 180**

**[OPP-301219; FRL-6827-1]**

**RIN 2070-AB78]**

#### **2,4-D; Time-Limited Pesticide Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation extending the time-limited tolerance for residues of 2,4-D in or on soybeans. Industry Task Force II on 2,4-D Research Data requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996. The tolerance will expire on December 31, 2004.

**DATES:** This regulation is effective March 8, 2002. Objections and requests for hearings, identified by docket control number OPP-301219 must be received by EPA on or before May 7, 2002.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301219 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-6224; and e-mail address: miller.joanne@epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

##### **A. Does this Action Apply to Me?**

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311  32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action