

2009 mailing histories and the USPS-calculated expected June 2010 and October 2010 volumes.

2 A certification letter.

3 A threshold inquiry form.

d. Applicants agreeing with the volume histories and USPS calculations can sign the provided certification letter and return a copy via e-mail to summersale@usps.gov, or mail hardcopy to Summer Sale Program Office, 475 L'Enfant Plaza, SW., RM 5410, Washington, DC 20260-5410, no later than June 30, 2010, to be fully registered for the program.

e. Applicants not in agreement with any portion of their volume histories must complete threshold inquiry form and return it, via e-mail to summersale@usps.gov, or mail hardcopy to Summer Sale Program Office, 475 L'Enfant Plaza, SW., RM 5410, Washington, DC 20260-5410, no later than June 30, 2010.

f. Applicants disputing USPS volume histories or calculations will be required to provide supporting evidence as appropriate.

g. Upon resolution of threshold and expected volume figures, applicants must provide a copy of the certification letter as described in d.

h. Mail owners wishing to participate in the program, who believe they meet the eligibility standards under 2.2 and were not notified by letter, may request a review of their eligibility by contacting the USPS at summersale@usps.gov no later than May 15, 2010.

2.5 Program Participation

Mail owners may participate in the program with qualifying volume as follows:

a. Standard Mail, or Nonprofit Standard Mail, letters and/or flats volume mailed by the participant through the participant's own permit imprint advance account, precanceled stamp permit(s), or postage meter permit(s);

b. Standard Mail, or Nonprofit Standard Mail, letters and/or flats volume prepared by a mail service provider, when entered through a permit owned by the participant;

c. Standard Mail, or Nonprofit Standard Mail, letters and/or flats pieces mailed through a mail service provider's permit, only when the pieces can be identified as being prepared for the participant and when the applicant's prior mailing activity through the mail service provider's permit can be validated.

2.6 Incentive Program Credits

Approved participants demonstrating an increase in Standard Mail, or

Nonprofit Standard Mail, letters and flats volume above their threshold level qualify for a credit to a single designated permit imprint advance deposit account or Centralized Account Payment System (CAPS) account as follows:

a. The total postage paid for Standard Mail, or Nonprofit Standard Mail, letters and flats recorded during the program will be identified for each participant.

b. The total postage paid during the program period will be divided by the total number of recorded pieces to generate the average price per piece for the program period.

c. Participants will receive a credit in the amount of thirty percent (30%) of the average price per piece applied to the total number of mailpieces (less any adjustments resulting from the mailing activity review under 2.7), for the incremental volume above their threshold level, recorded during the program period.

2.7 Mailing Activity Review

Mailing activity by participants will be reviewed in the calendar months preceding and following the end of the program. The qualifying volume recorded for participants may be adjusted in accordance with the following:

a. For the 2010 Standard Mail Incentive Program, each participant's June 2010 and October 2010 expected volume will be defined as five percent (5%) above (or 105% of) the total consolidated volume of Standard Mail letters and/or flats recorded for the participant in June 2009 and October 2009 respectively.

b. Each participant's *actual* June 2010 and October 2010 volume will be compared to their respective June 2010 and October 2010 expected volume.

c. Participants demonstrating a shortfall in volume to either their June 2010 or October 2010 expected volumes will have that shortfall deducted from the number of mailpieces eligible for an incentive credit within the program regardless of any surplus demonstrated in the expected volume threshold of the other month.

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Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2009-0712; FRL-9134-9]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonable Further Progress Plan, 2002 Base Year Inventory, Reasonably Available Control Measures, Contingency Measures, and Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-Hour Ozone Moderate Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Delaware State Implementation Plan (SIP) to meet the reasonable further progress (RFP) requirements of the Clean Air Act (CAA) for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. EPA is also approving the RFP plan's motor vehicle emissions budgets (MVEBs), the 2002 base year emissions inventory, contingency measures, and the reasonably available control measure (RACM) analysis associated with this revision. EPA is approving the SIP revision because it satisfies the requirements for the 1997 8-hour ozone national ambient air quality standard (NAAQS) nonattainment areas classified as moderate and demonstrates further progress in reducing ozone precursors. EPA is approving the SIP revision pursuant to the CAA and EPA's regulations.

DATES: *Effective Date:* This final rule is effective on May 10, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2009-0712. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania

19103. Copies of the State submittal are available at the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814-2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 15, 2010 (75 FR 2452), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of the 15 percent RFP plan, the RFP plan's 2008 MVEBs, the 2002 base year emissions inventory, contingency measures, and the RACM analysis for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. The formal SIP revision was submitted by the Delaware Department of Natural Resources and Environmental Control on June 13, 2007.

II. Summary of SIP Revision

The SIP revision addresses emissions inventory, RACM, contingency measures and the RFP requirements for the 1997 8-hour ozone NAAQS for the Delaware portion of the Philadelphia moderate nonattainment area. The SIP revision also establishes MVEBs for 2008. Other requirements of the SIP revision and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving the Delaware SIP revision that meets the RFP requirements of the CAA for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. EPA is also approving the RFP plan's MVEBs, the 2002 base year emissions inventory, contingency measures, and RACM analysis associated with the SIP revision. The SIP revision satisfies the requirements for the 1997 8-hour ozone NAAQS nonattainment areas classified as moderate and demonstrates further progress in reducing ozone precursors.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions,

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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 action 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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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 pertaining to the Delaware's RFP Plan, 2002 base year emissions inventory, contingency measures, RACM analysis, and transportation conformity budgets, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 25, 2010.

W.C. Early,

Acting Regional Administrator, EPA Region III.

■ 40 CFR part 52 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 *et seq.*

Subpart I—Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding at the end of the table, the entries for Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures and Contingency Measures; 2002 Base Year Inventory for VOC, NO_x and CO; and 2008 RFP Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-hour Ozone Moderate Nonattainment Area. The amendments read as follows:

§ 52.420 Identification of plan.

(e) * * *

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| Name of non-regulatory SIP revision | Applicable geographic area | State submittal date | EPA approval date | Additional explanation |
|--|---|----------------------|--|------------------------|
| * * * * * | * * * * * | * * * * * | * * * * * | * * * * * |
| Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures. | Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/13/07 | 4/8/10 [Insert page number where the document begins]. | |
| 2002 Base Year Inventory for VOC, NO _x , and CO. | Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/13/07 | 4/8/10 [Insert page number where the document begins]. | |
| 2008 RFP Transportation Conformity Budgets. | Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area. | 6/13/07 | 4/8/10 [Insert page number where the document begins]. | |

■ 3. Section 52.423 is amended by revising the section heading and by adding paragraph (b) to read as follows:

§ 52.423 Base Year Emissions Inventory.

* * * * *

(b) EPA approves as a revision to the Delaware State Implementation Plan the 2002 base year emissions inventories for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Department of Natural Resources and Environmental Control on June 13, 2007. This submittal consists of the 2002 base year point,

area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO_x).

■ 4. Section 52.426 is amended by adding paragraphs (g) and (h) to read as follows:

§ 52.426 Control strategy plans for attainment and rate-of-progress: Ozone.

* * * * *

(g) EPA approves revisions to the Delaware State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably

available control measures, and contingency measures for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Department of Natural Resources and Environmental Control on June 13, 2007.

(h) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Delaware portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Department of Natural Resources and Environmental Control on June 13, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE DELAWARE PORTION OF THE PHILADELPHIA AREA FOR THE 2008 RATE OF PROGRESS PLAN

| County | 2008 Emissions (tons per day) | | Effective date of adequacy determination or SIP approval |
|-------------------|----------------------------------|-----------------|--|
| | VOC | NO _x | |
| Kent | 4.14 | 9.68 | January 5, 2009, (73 FR 77682), published December 19, 2008. |
| New Castle | 10.61 | 21.35 | |
| Sussex | 7.09 | 12.86 | |
| State Total | 21.84 | 43.89 | |

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R05-OAR-2009-0731; FRL-9129-7]****Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Wisconsin updated its state ambient air quality standards rules to match the current Federal standards. The updates were made to the particulate matter standards by adding fine particulate standards and revoking the state's course particulate standards. EPA revised its particulate matter standards in October 2006 by strengthening the 24-hour fine particulate standard and revoking the annual standard for course particulate. EPA is approving the revisions to the Wisconsin State Implementation Plan (SIP) as requested by the state on September 11, 2009.