

section 122.5 of the *Domestic Mail Manual*.

W. Allen Sanders,
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Law and Administration.

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. C85-1; Order No. 677]

Amendment to Domestic Mail Classification Schedule; Complaint of Advo-System, Inc.

Issued: March 7, 1986.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: In accordance with March 3, 1986, adoption of the Postal Rate Commission's recommended Docket No. C85-1 decision by the Governors of the Postal Service, the Commission is publishing the corresponding changes for the Domestic Mail Classification Schedule (DMCS). The DMCS is found as Appendix A to Subpart C of the Commission's rules of practice and procedure (39 CFR 3001.61 through 3001.67). This change concerns the eligibility requirements for entry into second-class mail.

EFFECTIVE DATE: June 8, 1986.

ADDRESS: Correspondence should be sent to Charles L. Clapp, Secretary of the Commission, 1333 H Street, NW., Washington, DC 20268 (telephone: 202/789-6840).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 1333 H Street, NW., Washington, DC 20268 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: On December 27, 1984, Advo-Systems, Inc., pursuant to 39 U.S.C. 3662, filed a complaint concerning the use of second-class mail for "Plus" or "total market coverage" editions published by newspapers. The Commission invited interested persons to comment and participate in the proceeding, 50 FR 5703 (February 11, 1985) and 50 FR 11035 (March 19, 1985). The parties agreed upon factual components for the evidentiary record. Additionally, parties in the proceeding submitted a nonunanimous settlement agreement. The Commission gave the parties the opportunity to file briefs and reply briefs and to participate in oral argument. On January 24, 1986, the Commission issued a decision recommending the addition of § 200.0123 to the DMCS. The Board of Governors approved the recommended

decision on March 3, 1986, and set June 8, 1986, as the effective date for the change. The addition to the DMCS which is published in this order reflects the Governors' decision. Consistent with the Commission's explanation in the rulemaking (Docket No. RM85-1) which led to the publication of the DMCS in the *Federal Register*, this addition is published as a final rule, since procedural safeguards and ample opportunities to have different viewpoints considered have already been afforded to all interested persons.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart C—Rules Applicable To Requests for Establishing or Changing the Mail Classification Schedule

List of Changes

1. The authority citation for Part 3001 is revised to read as follows and the authority citations following all sections in Part 3001 are removed:

Authority: 39 U.S.C. 404(b), 3603, 3622-3624, 3661, 3662, 84 Stat. 759-762, 764, 90 Stat. 1303; (5 U.S.C. 553), 80 Stat. 383.

2. The following change in the Domestic Mail Classification Schedule published as Appendix A to Subpart C (39 CFR 3001.61 through 3001.67) of the Commission's rules of practice and procedure is adopted:

Add new 200.0123 to read as follows:
200.0123 For purposes of determining second-class eligibility and postage under Classification Schedule 200, an "issue" of a newspaper or other periodical shall be deemed to be a separate publication if:

a. It is published at a regular frequency on the same day as another regular issue of the same publication, and

b. It is distributed to more than (i) 10 percent nonsubscribers, or (ii) twice as many nonsubscribers as the other issue on that same day, whichever is greater.

Such separate publications must independently meet the qualifications in section 200.0101 through 200.0109, or 200.0110.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 86-5431 Filed 3-13-86; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA Action MO 1730; FRL-2976-3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice advises the public that EPA today takes final action to approve the State of Missouri's section 111(d) plans. These plans are for the control of fluoride emissions from phosphate fertilizer plants and from primary aluminum reduction plants, and also a plan for the control of sulfuric acid mist from sulfuric acid production plants as required under section 111(d) of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on April 14, 1986.

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

Environmental Protection Agency,
Region VII, 726 Minnesota Avenue,
Kansas City, Kansas 66101.
Missouri Department of Natural
Resources, 1101 Rear Southwest
Boulevard, Jefferson City, Missouri
65101.

FOR FURTHER INFORMATION CONTACT: Deann K. Hecht at (913) 236-2893, or FTS 757-2893.

SUPPLEMENTARY INFORMATION: On January 3, 1985, the State of Missouri submitted Section 111(d) plans for the control of: (1) Fluoride emissions from phosphate fertilizer plants; (2) fluoride emissions from primary aluminum reduction plants; and (3) sulfuric acid mist emissions from sulfuric acid production plants.

Section 111(d) of the Clean Air Act and 40 CFR Part 60, Subpart B, require that each state adopt and submit a plan for the control of designated pollutants from existing facilities. Designated pollutants do not include those for which air quality criteria have been established or which are already listed under section 108(a), relating to development of air quality criteria for certain pollutants, or section 112(b)(1)(A), Hazardous Air Pollutants.

On July 31, 1985, EPA published a notice in the *Federal Register* (50 FR 30961), proposing to approve the State's 111(d) plans. The proposal contains EPA's review of the State 111(d) plans, therefore, it will not be reiterated herein.

No public comments were received on the proposal. EPA takes this final action for the reasons set forth in the proposal.

Final Action

In today's notice, EPA takes final action to approve the State of Missouri's section 111(d) plan for the control of: (1) Fluoride emissions from phosphate fertilizer plants; (2) fluoride emissions from primary aluminum reduction plants; and (3) sulfuric acid mist emissions from sulfuric acid production plants.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

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 within 60 days from today. This action may not be challenged later in proceedings to enforce its requirements.

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Administrative practice and procedures, Intergovernmental relations, Reporting and recordkeeping requirements, Phosphate, Aluminum, Fertilizers, Paper and paper products industry, Sulfuric oxides, Sulfuric acid plants.

Dated: February 21, 1985.

Lee M. Thomas,
Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

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

Authority: 42 U.S.C. 7401-7642.

2. Subpart AA is revised to read as follows:

Subpart AA—Missouri

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

Sec.

62.6350 Identification of plan.

Fluoride Emissions From Existing Phosphate Fertilizer Plants

62.6351 Identification of sources.

Fluoride Emissions From Existing Primary Aluminum Reduction Plants

62.6352 Identification of sources.

Sulfuric Acid Mist From Existing Sulfuric Acid Production Plants

62.6353 Identification of sources.

Total Reduced Sulfur Emissions From Existing Kraft Pulp Mills

62.6354 Identification of plan—negative declaration.

Subpart AA—Missouri

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.6350 Identification of plan.

(a) Identification of plan: Missouri Plan for Control of Designated Pollutants from Existing Facilities [Section 111(d) Plan].

(b) The plan was officially submitted as follows:

(1) Control of fluoride emissions from existing facilities at phosphate fertilizer plants, and fluoride emissions from existing facilities at primary aluminum reduction plants, submitted on September 22, 1981, having been adopted by the State on June 17 and June 21, 1981. A letter conveying additional information regarding this plan was submitted on January 3, 1985.

(2) Control of sulfuric acid mist from existing facilities at sulfuric acid production plants, submitted on March 12, 1979, having been adopted by the State in 1967 and 1971. A letter providing additional information regarding this plan was submitted on January 3, 1985.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

- (1) Phosphate fertilizer plants.
- (2) Primary aluminum reduction plants.
- (3) Sulfuric acid production plants.

Fluoride Emissions From Existing Phosphate Fertilizer Plants

§ 62.6351 Identification of sources.

The plan applies to existing facilities at the following phosphate fertilizer plant:

Farmers Chemical Company, Joplin, Missouri

Fluoride Emissions From Existing Primary Aluminum Reduction Plants

§ 62.6352 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plant:

Noranda Aluminum, Inc., New Madrid, Missouri

Sulfuric Acid Mist From Existing Sulfuric Acid Production Plants

§ 62.6353 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid production plant:

W.R. Grace and Company, Joplin, Missouri

Total Reduced Sulfur Emissions From Existing Kraft Pulp Mills

§ 62.6354 Identification of plan—negative declaration.

Letter from the Director of the Missouri Department of Natural Resources submitted on May 14, 1982, certifying that there are no kraft pulp mills in the State subject to Part 60, Subpart B of this chapter.

[FR Doc. 86-4475 Filed 3-13-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[GA-009; A-4-FRL-2983-7]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Ozone Nonattainment Areas in Alabama and Georgia

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today granting requests by Alabama and Georgia that EPA redesignate two counties in the Columbus-Phenix City Interstate Air Quality Control Region (AQCR) attainment for ozone. The two counties involved are Russell County, Alabama and Muscogee County, Georgia. The redesignation of the Columbus-Phenix City area to attainment is based on three years of ambient monitoring data showing a calculated expected exceedance of less than 1.0 and implementation of an EPA-approved control strategy.

EFFECTIVE DATE: This action is effective April 14, 1986 for all items.

ADDRESSES: Copies of the materials submitted by Georgia may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Jill Thomas, Air Programs Branch, EPA Region IV, at the above address and telephone number 404/347-4253 or FTS 257-4253.

SUPPLEMENTARY INFORMATION: In the March 3, 1978, Federal Register (43 FR 8962), EPA designated Russell County,

Alabama (Phenix City) and Muscogee County, Georgia (Columbus) nonattainment for ozone. Alabama and Georgia were therefore required to revise their respective state implementation plans (SIP) for ozone. Both States drafted and adopted control strategies based on reduction of volatile organic compound (VOC) emissions from mobile and stationary sources. They showed that the area would achieve the ozone standard by early 1981 through the Federal Motor Vehicle Control Program and through implementation of Group I and Group II VOC Reasonably Available Control Technology (RACT) regulations. EPA approved Alabama's SIP on November 26, 1979, and Georgia's SIP on September 18, 1979.

Alabama and Georgia have requested that EPA change the attainment status of Russell County and Muscogee County, respectively, from nonattainment for ozone to attainment. In order to redesignate a nonattainment area, EPA policy requires that three years of ozone data show an expected exceedance calculation of less than or equal to 1.0. The most recent eight quarters of quality assured ambient air data may suffice provided that no exceedances have occurred. In addition, the data must be accompanied by a demonstration of implementation of an EPA-approved control strategy. Georgia has submitted ambient air quality data collected at three monitoring sites in Columbus. The most recent three years of air quality data (1982, 1983, and 1984) show the number of expected exceedances to be less than or equal to 1.0.

For a more detailed discussion, please refer to the November 6, 1985, *Federal Register* (50 FR 46089) and to the Technical Support Document. Both documents are available for inspection at the EPA Region IV office.

On November 6, 1985, EPA proposed to approve the requests to redesignate the Columbus-Phenix City area to attainment for ozone. At that time the public was invited to submit written comments on the proposed action. However, no comments were received. Therefore, on the basis of three years of air quality data showing attainment and evidence of an implemented EPA-approved control strategy, EPA is approving the redesignation of the two counties in the Columbus-Phenix City Interstate AQCR from ozone nonattainment to attainment.

Final Action

EPA is today granting the redesignation of the Russell County and Muscogee County ozone nonattainment

areas on the basis of three years of air quality data and an EPA-approved control strategy.

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 May 13, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 10, 1986.

Lee M. Thomas,
Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart C—Section 107 Attainment Status Designations

§ 81.301 [Amended]

2. Section 81.301 is amended by removing from the "Alabama—O₃" table the entry for Russell County and the first footnote and redesignating footnote 2 as footnote 1.

§ 81.311 [Amended]

3. Section 81.311 is amended by removing from the "Georgia—Ozone (O₃)" table the entry for Muscogee County and the first footnote and redesignating footnote 2 as 1.

[FR Doc. 86-5613 Filed 3-13-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1414, 1433, and 1452

Bid Protest Regulations

AGENCY: Office of the Secretary, Interior.
ACTION: Final rule.

SUMMARY: This rule implements revised procedures for filing protests with the General Accounting Office (GAO) and new procedures for filing automatic data processing protests with the General Services Administration Board of Contract Appeals (GSBCA) as required

by the Competition in Contracting Act of 1984. This rule is based on revisions made to the Federal Acquisition Regulation (FAR) to implement the new protest procedures under Federal Acquisition Circular (FAC) 84-6 dated January 15, 1985. An interim rule and request for comments was published on September 24, 1985 (50 FR 38657-38659).

EFFECTIVE DATE: March 14, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. William Opdyke, Chief, Branch of Policy and Regulations, Office of Acquisition and Property Management, Department of the Interior, Washington, DC 20240, telephone (202) 343-3433.

SUPPLEMENTARY INFORMATION: The Department has determined that the regulations under this rule concern agency procedures required to implement the new protest procedures established by Pub. L. 98-369. In view of the need to implement these final rules in as timely a manner as possible, the Department has found good cause to make these regulations effective upon publication under 5 U.S.C. 553(d)(3).

Public Comment

Comments were requested by October 24, 1985. No comments were received. However, the final rule does contain an administrative change in section 1433.103 to require the contracting office to initially contact the local Office of the Solicitor before making the determination under FAR 33.103(a). The Assistant Solicitor for Procurement and Patents must also be notified before the determination is made. Minor editorial changes have also been made in the final rule.

Primary Author

The primary author of this rule is Mr. William Opdyke, Office of Acquisition and Property Management, telephone (202) 343-3433.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The Department has determined that this rule is not a major rule under Executive Order 12291 and certifies that it will not have a significant economic effect on a substantial number of small entities. The only additional requirement imposed by this rule is the procedure for transmitting a copy of the protest to the Office of the Solicitor when the protest is served on the contracting officer. The information collection requirements referred to in this rule are prescribed by FAR 33.106(a) and are the responsibility of the FAR Secretariat, General Services