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Fred Eggleston,

Assistant General Counsel Legislative Division.

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39 CFR Part 233

Seizure for Forfeiture; Designation of Postal Service; Assignment of Authority to Chief Postal Inspector

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: On August 22, 1986, the Attorney General of the United States issued an order granting authority to the Postal Service to conduct civil forfeitures under section 2254 of the Protection of Children Against Sexual Exploitation Act of 1977, as amended. The purpose of this final rule is to amend postal regulations to reflect the Attorney General's order and to assign to the Chief Postal Inspector the responsibilities of the Postal Service under that order.

EFFECTIVE DATE: September 3, 1986.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 268-3076.

SUPPLEMENTARY INFORMATION: The Postal Inspection Service, the investigative arm of the Postal Service, investigates violations of the Protection of Children Against Sexual Exploitation Act, as amended by the Child Protection Act of 1984, 18 U.S.C. 2251-2255. Pursuant to 18 U.S.C. 2254(b), the Postal Service has been designated to perform various duties with respect to the seizure and forfeiture of property subject to forfeiture under 18 U.S.C. 2254(a). The order of designation, dated August 22, 1986, provides as follows:

Designation of Postal Service Under 18 U.S.C. 2254

By virtue of the authority vested in me by 18 U.S.C. 2254, I hereby designate the Postal Service with the authority to conduct civil forfeitures under section 2254 of the Protection of Children Against Sexual Exploitation Act, as amended by the Child Protection Act of 1984, 18 U.S.C. 2251-2255.

In utilizing the authority hereby granted, all rules, regulations, and procedures of the Federal Bureau of Investigation relating to the aforementioned Act must be followed, including the Federal Bureau of Investigation's Manual of Investigative Operations and Guidelines.

The authority hereby granted to enforce Section 2254 of the Protection of Children Against Sexual Exploitation Act, as amended

by the Child Protection Act of 1984, is subject to the direction of the Attorney General.

Dated: August 22, 1986.

Arnold I. Burns,

Acting Attorney General.

This rule amends postal regulations to provide for the exercise of the assigned civil forfeiture responsibilities by the Chief Postal Inspector or his designees within the Postal Inspection Service.

In consideration of the foregoing, Part 233 of Title 39, Code of Federal Regulations, is amended as follows:

List of Subjects in 39 CFR Part 233

Crime, Postal Service.

PART 233—INSPECTION SERVICE AUTHORITY

1. The authority citation for Part 233 is revised to read as set forth below, and the authority citations following all the sections in Part 233 are removed.

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); Title XI, Pub. L. 95-630, 92 Stat. 3697; 18 U.S.C. 2254.

2. Add new § 233.7 reading as follows:

§ 233.7 Civil forfeiture authority of the Postal Service.

(a) By order of August 22, 1986 the Attorney General of the United States granted the Postal Service the authority to conduct civil forfeitures under section 2254 of the Protection of Children Against Sexual Exploitation Act, as amended by the Child Protection Act of 1984, 18 U.S.C. 2251-2255.

(b) The Chief Postal Inspector is authorized to exercise the authority of the Postal Service under paragraph (a) of this section and to delegate all or any part of this authority to any or all postal inspectors.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-3073-3]

Approval and Promulgation of State Implementation Plans; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act requires that all states which received an extension beyond December 31, 1982, to attain the ozone or carbon monoxide air

quality standards submit revised plans showing how the standards will be attained by December 31, 1987.

The State of Missouri has submitted such a plan for the St. Louis area. EPA has previously approved all portions of this plan except for the demonstration that the ozone standard will be attained and certain specific control measures as discussed in this document.

This document takes final action to approve the State's most recent attainment demonstration. Approval of this State submission means that the one control measure contained in it is now enforceable by the Federal Government as well as by the State. Other control measures promised by this plan have already been approved or are in review within EPA.

EFFECTIVE DATE: This action will be effective October 3, 1986.

ADDRESSES: Copies of the State submission, public comments, and EPA's technical evaluation are available at the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, and at the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson Building, 205 Jefferson Street, Jefferson City, Missouri 65100. A copy of the State's submission is also available at the Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC, and the Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, (913) 236-2893, FTS 757-2893.

SUPPLEMENTARY INFORMATION: The Clean Air Act, as amended in 1977, required states to submit plans by January 1, 1979, showing how the National Ambient Air Quality Standards (NAAQS) will be attained in areas of the country where air pollution still violated the standards. The standards were to be attained by December 31, 1982, unless a demonstration could be made that the ozone or carbon monoxide standards could not be met by that date. In that case, an extension until December 31, 1987, could be granted if the State committed to submit a revised plan with additional control measures by July 1, 1982.

The State of Missouri made such a demonstration and commitment for the St. Louis area, received an attainment date extension, and submitted its required 1982 plan. EPA approved all parts of that plan except for the automobile inspection and maintenance (I/M) program and the attainment demonstration (see 49 FR 40164, October

15, 1984). The I/M program elements were submitted August 27, 1984, and were approved on August 12, 1985 (see 50 FR 32411).

The revised attainment demonstration was submitted by August 1, 1985, as the State had previously committed (see 49 FR 40165). This revised demonstration updated the emission inventory with newer and more accurate information that had not previously been available and then applied four new control measures to reduce emissions to a level representing attainment of the ozone standard. On January 28, 1986 (51 FR 3475), EPA proposed to approve this submission as demonstrating that the NAAQS for ozone will be attained in the St. Louis Ozone Nonattainment Area by December 31, 1987.

This demonstration is based on a slightly different emission inventory than the previous version. The adjustments are discussed more fully in the January 28 proposed rulemaking document, but they are based on recalculations of source emissions due to information gleaned from permit applications and from reevaluating the emissions from other ongoing activities. Three of the control measures contained in the plan are significant. As discussed in the proposal, EPA has determined that no emission reduction credit is available for one of the measures, the check of automobile gas tank filler necks. The others are discussed briefly below and more fully in the January 28 proposed rulemaking.

The State has adopted a new regulation requiring reasonably available control technology (RACT) on one chemical plant which manufactures maleic anhydride. EPA has determined that this rule follows the Control Techniques Guideline (CTG) for air oxidation processes and has approved it (see 51 FR 30063, August 22, 1986).

The State has adopted a consent order with one major source which will allow the source to operate in excess of its applicable emission limit, but which also requires the source to close at the end of 1987. This consent order is embodied in the attainment demonstration and is approved today along with the demonstration.

The State has adopted a new regulation requiring the control of volatile emissions from the refueling of motor vehicles at gasoline stations. There is no CTG for this category of source, but EPA has evaluated the rule against other similar rules and has proposed to approve it. See 51 FR 21932 (June 17, 1986). The emissions reductions that would result from the refueling rule comprise a large portion of the additional emissions reductions on

which the state is relying to demonstrate attainment in the St. Louis area. For that reason, EPA is making its approval today of the attainment demonstration and control strategy for the St. Louis area contingent on EPA's final approval of the refueling rule.

As noted above, EPA published a proposed rulemaking document on January 28, 1986. Two public comments were received. Both commentors favored the approval of the ozone attainment demonstration.

This State submission constitutes a proposed revision to the Missouri SIP. The Administrator's decision to approve or disapprove a proposed revision is based on the comments received and on a determination of whether the revision meets the requirements of sections 110 and 172 of the Clean Air Act, of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans, and of the 1982 SIP policy (46 FR 7184, January 22, 1981). I hereby find the portions of the Missouri SIP described above to be approvable.

The Agency's approval of the St. Louis attainment demonstration is based in part on previous submittals from the State of Missouri. These submittals were in conformance with policies and procedures in effect at the time they were made. The submittals were approved by EPA. The attainment demonstration relied on an early version of the mobile source emission model. Use of that model may have resulted in an underprediction of emission reductions needed. Use of recently improved data collection techniques and of a revised mobile source model could provide a different estimation of attainment status.

St. Louis is but one of many large metropolitan areas that are currently designated nonattainment for ozone. EPA is presently developing a comprehensive new strategy to address the nationwide ozone problem. When this strategy is adopted, it may be necessary to reexamine the attainment demonstration for St. Louis and other major cities. Where emission reduction shortfalls are demonstrated, additional controls will be required. Consequently, approval of this attainment demonstration does not relieve the State of any subsequent requirements which may be imposed under a new policy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be

challenged later in proceedings to enforce its requirements.

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

Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Office of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 22, 1986.

Lee M. Thomas,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

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

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

2. Section 52.1320 is amended by adding a new paragraph (c)(58) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(58) A plan revision demonstrating that the ozone standard will be attained in the St. Louis ozone nonattainment area by December 31, 1987, was submitted by the Department of Natural Resources on August 1, 1985.

(i) *Incorporation by reference.* (A) An agreement and variance modification order dated July 18, 1985, signed by the Missouri Air Conservation Commission and the General Motors (GM) Corporation requiring that the GM St. Louis assembly plant meet interim emission limitations and comply with the SIP by shutdown by December 31, 1987.

(ii) *Additional material.*

(A) A revised and corrected emission inventory for base year 1980.

(B) A revised projected year 1987 inventory demonstrating that the additional emission reductions from two new regulations and one plant shutdown, in addition to reductions already required, will be adequate to reduce ambient ozone concentrations to

the National Ambient Air Quality Standard for ozone.

3. Section 52.1323 is amended by designating the entire existing text as paragraph (a) and adding a new paragraph (b) as follows:

§ 52.1323 Approval status.

(b) EPA's approval of the plan revision described in Section 52.1320(58) of this chapter as meeting the requirements of Part D of the Clean Air Act is contingent on EPA's final approval of the amendment to state Rule 10 CSR 10-5.220 that the state submitted to EPA on March 4, 1986, relating to the control of VOC emissions from the refueling of motor vehicles.

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Environmental Protection Agency

40 CFR Part 261

[SW-FRL-3073-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting errors presented in a final rule denying delisting petitions from 10 petitioners which appeared in the *Federal Register* on July 17, 1986 (51 FR 25887).

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information, contact Ms. Lori DeRose, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION: EPA is correcting errors in two tables presented in a final rule on July 17, 1986 which denied delisting petitions filed by ten petitioners. One petitioner addressed in that rule, Bethlehem Steel Corporation (petition #0187), was listed in the tables erroneously. The Agency proposed to deny Bethlehem Steel's petition on January 17, 1986 (see 50 FR 2526). The Agency then re-proposed to deny Bethlehem Steel's petition in a subsequent notice (see 51 FR 26417, July 23, 1986) for technical reasons as well as for incompleteness. The Agency has not yet made a final determination on Bethlehem Steel's petition. Therefore, this correction notice deletes their

petition from the list of those addressed in the July 17, 1986, final rule.

Dated: August 28, 1986.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

The following corrections are made in FRL-3050-3, the Hazardous Waste Management System: Identification and Listing of Hazardous Waste final rule published in the *Federal Register* on July 17, 1986 (50 FR 25887).

1. On page 25888, first column, table 1, delete "'0187 Bethlehem Steel Corporation, Chesterton, IN;".

2. On page 25888, third column, table 3, delete "'0187 Bethlehem Steel Corporation, Chesterton, IN;".

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6727]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to

purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Deputy Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows: