

POSTAL SERVICE

39 CFR Parts 775 and 776

Amendments to Environmental Procedures and Floodplain Management and Protection of Wetlands Procedures

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule eliminates the requirement for a preferred area environmental assessment report for facility actions before contending sites are determined. The environmental assessment process for a facility action will continue to be started early in the planning process; however, an environmental assessment report is not required until contending facility project sites have been determined.

EFFECTIVE DATE: September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Melinda Hulse, 202/245-4354.

SUPPLEMENTARY INFORMATION: On June 28, 1985, the Postal Service published for comment in the *Federal Register* (50 FR 26811) proposed amendments to Parts 775 and 776 of the Code of Federal Regulations to carry out the purpose described in the Summary above. Interested persons were invited to submit comments concerning the proposed amendments on or before July 29, 1985. One comment was received. This comment, from the Environmental Protection Agency, stated that the "proposed amendments will not reduce the overall adequacy of the Postal Service's environmental assessment documentation."

In view of the above considerations, the Postal Service amends Parts 775 and 776 of Chapter I of Title 39 of the Code of Federal Regulations as follows:

List of Subjects in 39 CFR Parts 775 and 776

Environmental Impact Statements, Floodplains.

PART 775—ENVIRONMENTAL PROCEDURES

1. The authority citation for Part 775 is revised to read as set forth below and the authority citation following § 775.4 is removed.

Authority: 39 U.S.C. 401; 42 U.S.C.4331 *et seq.*; 40 CFR 1500.4(p).

2. Section 775.5 is amended by revising paragraph (b)(1) to read as follows:

§ 775.6 Environmental Evaluation Procedures.

(b) * * *
 (1) The environmental assessment of any action which involves the choice of contending sites for a facility must be started early in the planning of the action. An environmental assessment report, however, is not required until the contending project sites have been determined. The information contained in the environmental assessment report must be used, together with other site planning information, in the selection of the final site.

PART 776—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS PROCEDURES

3. The authority citation for Part 776 continues to read as follows:

Authority: 39 U.S.C. 401.

4. Section 776.5 is amended by revising paragraph (a) to read as follows:

§ 776.5 New construction.

(a) *Restriction of Consideration of Floodplain/Wetland.* During the evaluation of contending sites for a proposed project, floodplain and wetlands areas may be considered *only* when there is no practicable alternative site.

W. Allen Sanders,
Associate General Counsel, Office of General Law and Administration.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 1619; A-7-FRL-2680-9]

Approval and Promulgation of State Implementation Plans; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking (FRM).

SUMMARY: In this document, EPA takes final action to approve a revision to the Missouri State Implementation Plan (SIP). This revision contains the regulations and other necessary elements of the Inspection and Maintenance Program for motor vehicles in the St. Louis area. An Inspection and Maintenance program is required as part of the SIP by the Clean Air Act. EPA approval will allow the State to satisfy this requirement. This program will help

reduce ozone and carbon monoxide air pollution in the St. Louis area.

EFFECTIVE DATE: This action will be effective September 11, 1985.

ADDRESSES: Copies of the State submission and EPA's technical evaluation are available at the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, and at the Department of Natural Resources, Air Pollution Control Program, 1101 Rear Southwest Blvd., Jefferson City, MO 65102. A copy of the State's submission is also available at the Environmental Protection Agency, Public Information reference Unit, 401 M Street, SW., Washington, D.C., and the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

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

SUPPLEMENTARY INFORMATION: On February 11, 1985 (50 FR 5630), EPA proposed to approve the Missouri State Implementation Plan (SIP) as it pertains to the requirement for an Inspection and Maintenance (I/M) program for motor vehicles. As discussed in that proposal, a motor vehicle I/M program is required as part of the plan to attain the carbon monoxide and ozone air quality standards in the St. Louis Metropolitan Area.

On August 27, 1984, the State submitted the documentation for the St. Louis I/M program. This documentation includes legal authority, regulations, procedures, forms, manuals, equipment specifications and other items necessary to the operation of the I/M program. The program began January 1, 1984, and is currently in operation.

The requirements for an I/M program are outlined in the EPA policy "Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension," published January 22, 1981 (46 FR 77781). A discussion of how the St. Louis I/M program satisfies the requirements is contained in the February 11, 1985, proposed rulemaking document. The proposal also discusses the general requirements for approval as part of the SIP and the additional emission reduction credit the State claimed for its anti-tampering program.

The February 11, 1985, proposal stated that EPA found that the I/M program meets all of the requirements, and proposed to approve it as part of the Missouri SIP. No comments have been received by EPA as a result of this proposal.

The 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 or not 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.

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 today. 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 Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Dated: August 2, 1985.

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:

Subpart AA—Missouri

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)(51) as follows:

§ 52.1320 Identification of Plan.

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

(51) The motor vehicle inspection and maintenance program for the St. Louis area was submitted August 27, 1984, by the Department of Natural Resources.

(i) *Incorporations by reference.* (A) Amendment to Regulations 10 CSR 10-5.380, "Motor Vehicle Emissions Inspections", published in the Missouri Register January 3, 1982;

(B) Missouri Revised Statutes, Sections 307.350 through 307.395, "Motor Vehicle Safety Inspection", as revised September 1983;

(C) Regulations 11 CSR 50-2.010 through 11 CSR 50-2.410, "Missouri Motor Vehicle Inspection Regulations", as revised July 1, 1982.

(ii) *Additional material.* (A) I/M Implementation Schedule.

(B) Highway Patrol Forms.

(C) Missouri Certified Emission Analyzers.

(D) Missouri Department of Revenue Policy.

(E) Highway Patrol QC Manual.

(F) EPA Approval of RACT Compliance.

(G) Public Awareness Materials.

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40 CFR Part 52

[TN-015; A-4-FRL-2830-4]

Approval and Promulgation of Implementation Plans; Tennessee; State and Memphis/Shelby Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving State Implementation Plan (SIP) revisions submitted by the State of Tennessee. The revisions establish a lead SIP for attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for lead in all areas of Tennessee not governed by local agencies, and Memphis/Shelby County.

EFFECTIVE DATE: September 11, 1985.

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

Environmental Protection Agency
Region IV, 345 Courtland Street, NE.,
Atlanta, Georgia 30365
Library, Office of the Federal Register,
1100 L Street, NW., Room 8401,
Washington, D.C. 20005
Public Information Reference Unit, EPA
Library, 401 M Street, SW.,
Washington, DC, 20460
Division of Air Pollution Control,
Tennessee Department of Public
Health, 150 9th Avenue, North,
Nashville, Tennessee 37203

Memphis/Shelby County Health
Department, 814 Jefferson Avenue.
Memphis, Tennessee 38105

FOR FURTHER INFORMATION CONTACT:
Mr. Raymond Gregory, EPA Region IV,
Air Management Branch, at the above
listed address and phone 404/881-3286,
or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On August 7, 1984 (49 FR 31416), the EPA announced its disapproval of the regulatory portions of the Tennessee SIP for lead, which is applicable only to the areas of the state not governed by local agencies. On August 8, 1984 (49 FR 31686), EPA approved the lead SIP which Tennessee had submitted for Memphis/Shelby County (an area with a local agency), but disapproved the plan's new source review portion. The State submitted additional information to EPA and on March 18, 1985 (50 FR 10796), EPA proposed to remove the disapprovals of August 7 and 8, 1984, thereby approving the Memphis/Shelby County plan, and the regulatory portions of the Tennessee plan.

EPA is today removing the existing disapproval of August 7, 1984 (49 FR 31416) and approving the provisions of the Tennessee Administrative Code Chapter 1200-3-22: Lead Emission Standards, which specify definitions, specific emission standards for existing, new and modified sources, source sampling requirements, and lead ambient monitoring requirements that EPA deems adequate to assure attainment and maintenance of the lead NAAQS throughout the area of the State agency's jurisdiction (excluding those counties for which EPA has already approved lead plans, i.e. Davidson, Hamilton, Knox, and Shelby). EPA today also approves final operating permits submitted by the State, that create specific emission limits applicable to existing stationary sources of lead (effective on December 5, 1984) for the three sources.

The action taken today addresses both deficient areas in the Memphis/Shelby County plan by proposing to remove the previous disapproval of August 8, 1984, and to approve a commitment by Memphis/Shelby County to review new sources of lead and modifications to lead sources according to EPA guidance. This commitment by Memphis/Shelby County was made in a letter dated December 20, 1984. Memphis/Shelby County has committed, pursuant to State new source review authority, to subject new sources of lead with potential emissions of five tons per year or more to new source review requirements.