

U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 16, 1996.

Allen D. Klein,

Assistant Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-4430 Filed 2-27-96; 8:45 am]

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POSTAL SERVICE

39 CFR Part 233

Screening of Mail Reasonably Suspected of Containing Nonmailable Firearms

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service hereby requests comments on its proposed regulation outlining the treatment of mail which is reasonably suspected of being dangerous to persons or property. The rule also contains language which allows for the screening of mail reasonably suspected of containing nonmailable firearms.

EFFECTIVE DATE: Comments must be received on or before March 29, 1996.

ADDRESSES: Written comments should be directed to Chief Counsel, Enforcement, Law Department, U.S. Postal Service, Room 6319, 475 L'Enfant Plaza SW, Washington, DC 20260-1148. Copies of all written comments will be available at this address for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday.

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

SUPPLEMENTARY INFORMATION: This document creates a new 233.11 of title 39, Code of Federal Regulations, to include the requirements for the treatment of mail which is reasonably suspected of being dangerous to persons or property. This rule is currently contained in the Administrative

Support Manual (ASM) as part 274, but this publication will make it more widely available to the public.

Sections 233.11(a) and (a)(4) contain new language which allows for the screening of mail reasonably suspected of containing nonmailable firearms. Formerly, part 274 of the ASM allowed the examination of mail only to identify explosives or other materials that would pose a danger to life or property. This (proposed) rule would expand the existing rule to permit screening for nonmailable firearms under the same restrictions respecting mail privacy and delay.

The Postal Service has been advised by the Honorable Pedro Rosello, Governor of Puerto Rico, that illegal firearms entering Puerto Rico by various means, including the mails, pose a serious threat to the safety of citizens of Puerto Rico. This information has been confirmed in meetings with the Attorney General of Puerto Rico, local and federal law enforcement officials, and officials of the U.S. Department of Justice.

Practical and legal constraints limit our ability to ensure that the mails are free of nonmailable firearms. These constraints were summarized in the Federal Register at the time the rule permitting limited screening of mail reasonably suspected of containing dangerous matter was initially proposed and remain applicable today. See 55 FR 29637 (July 20, 1990).

Taking these constraints into account, this (proposed rule) would authorize the least intrusive, least dilatory response to credible situations where firearms already declared "nonmailable" by statute or regulation are reasonably suspected of being in the mails. Nonmailable firearms are defined in Section C024.1.0 of the Domestic Mail Manual. They consist, primarily, of pistols, revolvers, and other concealable firearms. Unloaded rifles and shotguns are mailable, although the provisions of the Gun Control Act of 1968, 18 U.S.C. 921, *et seq.* and regulations of the Bureau of Alcohol, Tobacco and Firearms apply to the shipment of such weapons by mail or otherwise.

The proposed rule would attempt to balance the need to protect personal safety, enforce existing laws, and regulations against the mailing of nonmailable firearms, and protect personal privacy in the use of the mails. As envisioned by the proposed rule, when the chief postal inspector determines that a credible threat exists that certain mail might contain nonmailable firearms, the inspector may authorize the use of technology that is capable of identifying mail containing

such firearms in order to obtain probable cause for the issuance of a Federal warrant to search and seize such mail. The rule would not permit any screening method that would involve opening of sealed mail or the reading of the contents of correspondence in sealed mail, without the consent of the sender or addressee or under authority of a Federal warrant. Moreover, the only screening which may be authorized must be limited to the least quantity of mail necessary to respond to the threat, and the screening must be performed without avoidable delay of the mail. Any mail not of sufficient weight, for example, to contain a nonmailable firearm will not be screened. In addition, international transit mail will not be screened unless the postal treaties are appropriately amended. Sworn reports of all screening methods conducted by, or under supervision of, the Postal Service would be reported to senior postal managers.

In view of the matters discussed above, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed new section 233.11 of title 39, Code of Federal Regulations.

List of Subjects in 39 CFR Part 233

Law enforcement, Postal Service.

Accordingly, title 39 CFR, part 233, is proposed to be amended as follows:

PART 233—INSPECTION SERVICE/INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401-3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95-452, as amended), 5 U.S.C. App. 3.

2. Part 233 is amended by adding § 233.11 as follows:

§ 233.11 Mail reasonably suspected of being dangerous to persons or property.

(a) *Screening of mail.* When the Chief Postal Inspector determines that there is a credible threat that certain mail may contain bombs, explosives, or other material that would endanger lives or property, including firearms which are not mailable under section C024 of the Domestic Mail Manual, the Chief Postal Inspector may, without a search warrant or the sender's or addressee's consent, authorize the screening of such mail by any means capable of identifying explosives, nonmailable firearms, or other dangerous contents in the mails.

The screening must be within the limits of this section and without opening mail that is sealed against inspection or revealing the contents of correspondence within mail that is sealed against inspection. The screening is conducted according to these requirements.

(1) Screening of mail authorized by paragraph (a) of this section must be limited to the least quantity of mail necessary to respond to the threat.

(2) Such screening must be done in a manner that does not avoidably delay the screened mail.

(3) The Chief Postal Inspector may authorize screening of mail by postal employees and by persons not employed by the Postal Service under such instruction that require compliance with this part and protect the security of the mail. No information obtained from such screening may be disclosed unless authorized by this part.

(4) Mail of insufficient weight to pose a hazard to air or surface transportation or to contain firearms which are not mailable under section C024 of the Domestic Mail Manual and international transit mail must be excluded from such screening.

(5) After screening conducted under paragraph (a) of this section, mail that is reasonably suspected of posing an immediate and substantial danger to life or limb, or an immediate and substantial danger to property, may be treated by postal employees as provided in paragraph (b) of this section.

(6) After screening, mail sealed against inspection that presents doubt about whether its contents are hazardous, that cannot be resolved without opening, must be reported to the Postal Inspection Service. Such mail must be disposed of under instructions promptly furnished by the Inspection Service.

(b) *Threatening pieces of mail.* Mail, sealed or unsealed, reasonably suspected of posing an immediate danger to life or limb or an immediate and substantial danger to property may, without a search warrant, be detained, opened, removed from postal custody, and processed or treated, but only to the extent necessary to determine and eliminate the danger and only if a complete written and sworn statement of the detention, opening, removal, or treatment, and the circumstances that prompted it, signed by the person purporting to act under this section, is promptly forwarded to the Chief Postal Inspector.

(c) *Reports.* Any person purporting to act under this section who does not report his or her action to the Chief Postal Inspector under the requirements

of this section, or whose action is determined after investigation not to have been authorized, is subject to disciplinary action or criminal prosecution or both.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-4552 Filed 2-26-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE013-5915b; FRL-5425-1]

Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Emission Statement Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision consists of an emission statement program for stationary sources that emit volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x) at or above specified actual emission threshold levels within the state of Delaware (Kent, New Castle, and Sussex Counties). In the Final Rules section of this Federal Register, EPA is approving the Delaware's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 29, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public

inspection during normal business hours at the EPA office listed above; and 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) 597-3164, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (Delaware Emission Statement Program) which is located in the Rules and Regulations section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 2, 1996.

W. T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 96-4446 Filed 2-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[FRL-5328-6]

Revision to the Maryland State Implementation Plan—Continuous Emission Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision establishes and requires continuous emission monitoring requirements for certain sources of air pollution. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule described in item (Conclusion) in the Technical Support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 29, 1996.

ADDRESSES: Written comments on this action should be addressed to Marcia Spink, Associate Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency,