

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V of Part 52, Title 40 of the Code of Federal Regulations is amended as follows:

### Subpart V—Maryland

1. In § 52.1070, paragraph (c)(59) is added to read as follows:

#### § 52.1070 Identification of plan.

(c) . . . .  
(59) Addition of Maryland Regulation 10.18.06.14 (Control of PSD sources) which incorporates by reference the federal prevention of significant deterioration (PSD) requirements set forth in 40 CFR 52.21; submitted on June 24, 1981 by the Governor.

2. In § 52.1116, paragraph (b) is revised to read as follows:

#### § 52.1116 Prevention of significant deterioration.

(b) The following provisions of 40 CFR 52.21 are hereby incorporated and made a part of the applicable State plan for the State of Maryland.

(1) Definition of Federally Enforceable (40 CFR 52.21(b)(17)).

(2) Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3), (4)(i)).

(3) Redesignation of areas (40 CFR 52.21(g) (1), (2), (3), (4), (5), and (6)).

(4) Approval of alternate models (40 CFR 52.21(1)(2)).

(5) Disputed permits or redesignation (40 CFR 52.21(t), and

(6) Delegation of Authority (40 CFR 52.21(u)(1), (2)(ii), (3), and (4)).

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### 40 CFR Part 52

[A-3-FRL-2050-4]

#### Approval and Promulgation of Implementation Plans; Approval of the Maryland State Implementation Plan for Lead

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA approves Maryland's State Implementation Plan (SIP) for the control of lead (Pb) emissions. Maryland's lead SIP meets all of the applicable requirements under section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of

Implementation Plans. The intended effect is to ensure that the national ambient air quality standard (NAAQS) for lead will be met Statewide by December 31, 1982.

**EFFECTIVE DATE:** April 26, 1982.

**ADDRESSES:** Copies of these SIP revisions and accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Harold A. Frankford.

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. George Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold A. Frankford at the above-mentioned address (phone 215/597-8392) ATTN: AH400MD.

#### SUPPLEMENTARY INFORMATION:

##### Final Rule

##### Background

On October 23, 1980 the State of Maryland submitted to the Environmental Protection Agency a State Implementation Plan (SIP) for the control of lead (Pb) emissions. The plan submitted by the State delineates the air quality problem areas with respect to lead (Metropolitan Baltimore Intrastate and National Capital Interstate Air Quality Control Regions (AQCR's)). The November 17, 1981 notice of proposed rulemaking, 46 FR 56463, discusses the violations of the national ambient air quality standards (NAAQS) for lead in these two AQCR's, the SIP control strategy that would demonstrate attainment of the lead standard by 1982, the provisions for review of new sources, and the test methods.

The State of Maryland has included in its control strategy a regulation controlling the use of waste oil as fuel (Code of Maryland Air Regulations (COMAR) Section 10.18.11.05). The State of Maryland has informed EPA that it will submit as future revisions of the lead SIP, any Secretarial Order issued by the State of Maryland under the provisions of Section 10.18.11.05C, referring to the conditions under which the State will approve the use of waste oil.

##### Public Hearings

The State provided proof that public hearings with respect to the lead SIP were held on June 2, 1980 in Towson, Maryland and June 3, 1980 in Riverdale, Maryland in accordance with the requirements of 40 CFR 51.4.

##### Solicitation of Public Comments

In its proposed rulemaking action, 46 FR 56463 (1981), EPA solicited public comments on its proposed approval action. However, no comments were received.

##### EPA Actions

EPA has reviewed Maryland's lead SIP and has determined that it meets the scope and intent of 40 CFR 51.80 through 51.88 (Control Strategy—Lead). Therefore, EPA approves Maryland's lead SIP. In addition, EPA approves as part of the SIP, a letter dated July 27, 1981 submitted by the State of Maryland to EPA. This letter clarifies the correlation between the receptor points in the Maryland Source Dispersion Model (MSDM) modeling analysis and the TSP/lead monitor locations in Baltimore.

In conjunction with the Administrator's approval action, 40 CFR 52.1070(c)(60) and (c)(61) (Identification of Plan) of Subpart V (Maryland) is revised to incorporate Maryland's lead SIP and the associated July 27, 1981 letter into the approved Maryland SIP.

##### Direct Final Rulemaking

##### Background

Maryland's lead SIP concludes that the point of highest concentration for lead is near a frit manufacturing plant in Baltimore. This plant is currently under a Secretarial Order for the control of total suspended particulate (TSP) emissions. The State believes that lead emissions will be reduced with the reduction in TSP emissions and thus considers the Secretarial Order as a control strategy to attain the lead standard in Baltimore. On December 16, 1981, the State formally submitted a Secretarial Order that by its terms supersedes that version described by the State in the control strategy portion of its October 23, 1980 SIP submittal.

##### Public Hearings

The State documented that public hearings with respect to their Secretarial Order were held in Baltimore on December 15, 1981, thus satisfying the requirements of 40 CFR 51.4

**EPA Evaluation/Actions**

Although the State formally submitted the Secretarial Order for the frit manufacturing plant after it had formally submitted its lead SIP, EPA considers this Order to be an integral part of the control strategy contained in the Maryland lead SIP. Therefore, EPA has good cause to approve this Order concurrent with its approval action of the basic Maryland lead SIP. Accordingly, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to add paragraph (c)(62) describing the State's Secretarial Order and incorporating it into the approved Maryland lead SIP.

Because this approval action represents a direct final rulemaking action, the public is advised that this action will be effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on this Secretarial Order submitted by the State, the appropriate action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, 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. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: February 16, 1982.

Anne M. Gorsuch,  
*Administrator.*

**Note.**—Incorporation by reference of the Implementation Plan for the State of Maryland was approved by the Director of the Office of the Federal Register on July 1, 1981.

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

**Subpart V—Maryland**

1. In § 52.1070, paragraphs (c)(60); (c)(61) and (c)(62) are added to read as follows:

**§ 52.1070 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(60) A State Implementation Plan for the control of lead (Pb) emissions submitted on October 23, 1980 by the Governor.

(61) A letter containing supplemental clarifying information with respect to the State's control strategy demonstration; submitted on July 27, 1981 by the Maryland Air Management Administration.

(62) A revised Secretarial Order controlling lead emissions from the Mobay Chemical Corporation's frit manufacturing plant in Baltimore, Maryland; submitted December 16, 1981 by the Maryland Air Management Administration.

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**40 CFR Part 52**

[A-4-FRL-2047-4]

**Approval and Promulgation of Implementation Plans; North Carolina: Approval of PSD Regulation**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA announces its approval of North Carolina's regulations for the prevention of significant deterioration of air quality (PSD). These regulations were submitted to EPA on April 16, 1981. EPA proposed approval in the *Federal Register* of November 24, 1981 (46 FR 57572); no comments were received in response to the proposal. EPA's approval of these regulations means that the State of North Carolina will now have authority to issue PSD permits to sources locating in the State.

**DATE:** This action is effective March 25, 1982.

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

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Library, Office of the Federal Register,  
1100 L Street NW, Room 8401,  
Washington, D.C. 20005

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

Division of Environmental Management,  
North Carolina Department of Natural Resources & Community Development, 512 N. Salisbury Street, Raleigh, North Carolina 27611, Archdale Building

**FOR FURTHER INFORMATION CONTACT:** Walter Bishop of the Region IV Air Programs Branch at 404/681-3043 (FTS 257-3043).

**SUPPLEMENTARY INFORMATION:**

Following notice and public hearing in conformity with 40 CFR 51.4, the North Carolina Environmental Management Commission adopted and on April 16, 1981, submitted for EPA's approval as an implementation plan revision a new regulation 2D.0530, Prevention of Significant Deterioration. This regulation incorporates by reference portions of 40 CFR 51.24 in effect as of December 16, 1980 (date of State's hearing), and has been determined by EPA to meet the requirements of that Federal regulation. In the *Federal Register* of November 24, 1981, EPA proposed to approve the North Carolina regulation and asked for public comment on it; no comments were received. The reader may refer to the proposal notice for a detailed description of it.

The Federal regulation provides that a final determination is to be made within one year following submittal of a complete application by a prospective source. However, North Carolina law requires issuance of a permit within 90 days of a complete application. To minimize possible conflict between Federal and State requirements, subdivision (p) of regulation 2D.0530 specifies that the statutory 90 days will be considered to begin at the end of the public comment period, at the end of any public hearing held on the application, or when the applicant supplies information requested by the agency in response to comments