

Control Commission. The amendments to Rule 283 exempt equipment used for hydraulic or hydrostatic testing from the requirements for an operating permit.

The amendments to Rule 610 consist of revisions to Table 62 of the rule. This table lists minimum coating transfer efficiencies for several emission limitations for automobile and light duty truck coating operations. The specific changes in Table 62 were listed in the May 26, 1981 Federal Register and are not repeated here. EPA proposed to approve the amendments to Rules 283 and 610 in the May 26, 1981 Federal Register. At that time, EPA provided a thirty day period, until June 25, 1981, during which interested individuals were asked to comment on EPA's proposed approval of amended Rules 283 and 610. No public comments were received. EPA, therefore, finally approves, as part of the Michigan SIP, amended rules 283 and 610.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached Rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The attached actions merely approve actions already approved by the State of Michigan and Ohio.

Under Executive Order 12291 (Order) EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's actions do not constitute major regulations since they merely approve actions which were developed and approved by the States of Michigan and Ohio. This rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under Section 307(b)(1) of the 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 by 60 days from the date of application).

Under Section 307(b)(2) of the Act, the requirements which are the subject of today's actions may not be challenged later in civil or criminal proceedings brought to EPA to enforce these requirements.

Note.—Incorporation by reference of the Ohio and Michigan SIP was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 172 of the Act)

Dated: August 8, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

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

(1) Section 52.1870(c) is amended by adding subparagraph (30) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(30) On February 18, 1981, the State of Ohio committed itself to submit by December 31, 1981, the corrective materials for the Middletown, Ohio total suspended particulate plan.

(2) In § 52.1875 footnote e to the table is revised to read as follows:

§ 52.1875 Attainment for national standards.

* * * * *

e. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.

* * * * *

(3) Section 52.1880 is amended by revising paragraph (d)(1) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(d) * * *

(1) For the Middletown, Ohio primary nonattainment area, Rule 08 of Chapter 3745-17 of the Ohio Administrative Code provided the State submits by December 31, 1981 the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources, located in the primary nonattainment area.

Subpart KX—Michigan

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

(1) In § 52.1170(c) subparagraph (39) is added:

§ 52.1170 Identification of plan.

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(c) * * *

(39) On July 28, 1980, the State of Michigan submitted to EPA, as revisions to the Michigan SIP, amendments to Rules 283 and 610 of the Michigan Air Pollution Control Commission.

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40 CFR Part 52

[A-3-FRL 1911-4]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On January 28, 1981 (46 FR 9128) EPA proposed approval of a revision to the Pennsylvania State Implementation Plan (SIP) which sets forth a plan which will assure attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂) in those portions of Armstrong County, Pennsylvania which were designated as SO₂ nonattainment areas. Today, EPA is announcing final approval of this revision to the Pennsylvania SIP.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Pennsylvania and comments received on these materials may be examined during normal business hours at:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106; ATTN: Ed Shoener

Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120; ATTN: Gary L. Triplett

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

Office of the Federal Register, 1100 L Street, S.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ed Shoener (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut, Philadelphia, PA 19106; telephone: 215/597-8179.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and September 2, 1978 (43 FR 40515), EPA designated a portion of Armstrong County, Pennsylvania (Madison Township, Mahoning Township, Boggs Township, Washington Township and Pine Township) as a nonattainment area for sulfur dioxide (SO₂). The nonattainment was caused primarily by SO₂ emissions from the West Penn Power Company (WPPC) Armstrong Power Plant. The nonattainment

designation was based on a modeling study done for the Pennsylvania Department of Environmental Resources (DER) which showed significant violations of the annual, 24-hour and 3-hour SO₂ NAAQS in the area surrounding the Armstrong plant.

In order to develop an adequate attainment plan WPPC conducted a fluid modeling (wind tunnel) study in accordance with EPA's "good engineering practice" (GEP) stack height regulations proposed on January 12, 1979, (44 FR 2608), to determine the GEP height for the stack at the Armstrong plant. A dispersion modeling study was conducted in accordance with EPA's dispersion modeling guidelines (Guidelines on Air Quality Models, EPA-450/2-78-027, OAQPS No. 1.2-080, April 1978), to determine the appropriate emission limits. These two studies demonstrated that the SO₂ NAAQS will be met if the stack is raised to a GEP height of 307 meters and the plant meets the emission limits set forth in DER regulation, 25 Pa. Code § 123.22, which are:

- (1) 4.8 lbs. SO₂/10⁶Btu daily maximum not to be exceeded at any time;
- (2) 4.0 lbs. SO₂/10⁶Btu daily average not to be exceeded more than two days in any running 30-day period and;
- (3) 3.7 lbs. SO₂/10⁶Btu 30-day running average not to be exceeded at any time.

A more extensive discussion of these modeling studies and EPA's review was presented in EPA's proposed rulemaking of January 28, 1981 (46 FR 9128) and the correction notice of February 20, 1981 (46 FR 13242).

The taller stack will be constructed by December 31, 1982 in accordance with the schedule for construction set forth in a consent order and agreement between WPPC and DER. The schedule meets the requirements of 40 CFR 51.15(c). The consent order and agreement also includes interim emissions limits to assure reasonable further progress (RFP) towards attainment of the SO₂ NAAQS required by section 172(b)(3) of the Clean Air Act.

In order to expeditiously process this Sip revision EPA proposed approval of the revision concurrently with DER. DER held a public hearing on the proposal on February 25, 1981, in Kittanning, Pennsylvania, in accordance with the requirements of 40 CFR 51.4, and closed the public comment period on March 27, 1981. EPA proposed approval of the revision on January 28, 1981 46 FR 9128, and closed the public comment period on March 27, 1981. DER received two comments, one from WPPC and one from the consulting firm employed by WPPC to do the dispersion modeling, both of which corrected minor errors in

the modeling demonstration. Correction of the minor errors resulted in lower projected air quality impacts than initially anticipated. EPA did not receive any comments on the proposal.

On April 9, 1981, DER submitted the revision to EPA in final form. The final submission incorporated the minor corrections noted in the comments mentioned above and also included a copy of the DER/WPPC consent order and agreement signed on April 3, 1981.

Based on the foregoing, it is the decision of the Administrator to approve this plan as satisfying the requirements for a revision of the Pennsylvania SIP. 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.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the 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. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. 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. 7401-842)

Dated: August 20, 1981.

Anne M. Gorsuch, Administrator.

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

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

Subpart NN—Pennsylvania

1. In § 52.2020 paragraph (c)(36) is added to read as follows:

§ 52.2020 Identification of plan.
* * * * *

(c) The plan revision listed below was submitted on the date specified.

* * * * *

(36) A revision submitted by the Commonwealth of Pennsylvania on April 9, 1981 providing for attainment of the SO₂ NAAQS in portions of Armstrong County, Pennsylvania.

2. In the table in § 52.2034 line d, under Southwest Pennsylvania Intrastate is revised as follows:

§ 52.2034 Attainment dates for national standards.

* * * * *

Southwest Pennsylvania Intrastate

d. Armstrong County a' b' c' c' b' b' g'.

[FR Doc. 81-25183 Filed 8-27-81; 8:45 am]

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40 CFR Part 52

[A-6-FRL 1886-1]

Approval and Promulgation of Implementation Plans: Texas Emission Offsets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves the State submitted revision to the Texas State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of a dry process cement plant by General Portland Incorporated in New Braunfels, Comal County, Texas under the Interpretative Ruling (emission offset policy). The source is located in an area west of New Braunfels in Comal County which has been determined by modelling to be exceeding the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). The source will emit more than 100 tons per year of TSP and is therefore subject to the Interpretative Ruling on emission offsets.

TSP emission offsets were offered and agreed to by Parker Brothers and Co., Inc., the State of Texas submitted the offsets in Texas Air Control Board (TACB) Order No. 78-8 under the Governor's signature on September 13, 1978. EPA reviewed it and found that none of the offsetting TSP emission reductions are required control measures under the currently approved SIP. Therefore they are acceptable as offsets. The notice proposing approval of this revision was published in the Federal Register on December 1, 1980, at 45 FR 79514.