

## 40 CFR Part 52

[A7-FRL 1909-8]

## Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

**SUMMARY:** In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an inspection/maintenance (I/M) program for vehicle emission control.

On January 8, 1981, EPA published a notice of receipt to advise the public that the State of Missouri had made a submission involving this condition. On April 3, 1981 (46 FR 20232), EPA proposed to approve the Missouri submission as meeting the applicable condition. EPA invited comments on its proposal at that time. No comments were received in response to this publication.

The purpose of this notice is to advise the public that EPA is taking final action to approve the submission as meeting the applicable condition on the SIP and to remove the applicable condition.

**EFFECTIVE DATE:** This promulgation is effective September 28, 1981.

**ADDRESSES:** Copies of the state submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Wayne G. Leidwanger at (816) 374-3791; FTS 758-3791.

**SUPPLEMENTARY INFORMATION:** On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the

purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an I/M program for vehicle emissions control. I/M is a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

On December 16, 1980, the state submitted the I/M report. This report was also submitted to the Missouri General Assembly in accordance with the enabling statute. The April 9, 1980 condition required that the state submit a report on the recommended type of I/M program, stringency factor, vehicle test mix, program resources, and justification. Further discussion of this condition is given in the April 9, 1980 Federal Register notice and in the proposed rulemaking published April 3, 1981 (46 FR 20232).

The state has raised some doubt about whether it has the ability to implement an I/M program. EPA continues to believe that the state has adequate legal authority to implement the program. In addition, the submission of an adopted schedule, and other information to date indicates that the state has the ability and commitment to proceed with I/M. Should the legal authority in fact prove to be deficient, the SIP would no longer satisfy the requirements of Section 172(b) (7) and (10) of the Clean Air Act.

The report has been submitted and thus the applicable condition on the SIP has been met. In the April 9, 1980 notice, EPA also approved an extension until December 31, 1987, for attainment of the carbon monoxide and ozone national ambient air quality standards in the St. Louis area. As a result, the state must submit a SIP revision in 1982 which demonstrates attainment of these standards by 1987. In today's notice EPA is taking no action on the contents of the Missouri I/M report with respect to the 1982 SIP requirements. If the state and EPA determine that changes in the report are necessary to meet the requirements of a 1982 SIP, appropriate changes in the report will be made. Any proposed EPA action on the content of the report will be discussed in a future Federal Register notice.

**Action.** EPA approves the I/M report as meeting the applicable condition on the SIP but is taking no action on the specific recommendations in the report.

There are other non-I/M related conditions promulgated by EPA which must be addressed by the state before the Missouri SIP can be fully approved.

Until all conditions are met, conditional approval of the SIP will continue.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) 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. The attached rule if promulgated, 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, 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. Under Section 307(b)(2), 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.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: August 20, 1981.

Anne M. Gorsuch,  
Administrator.

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

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

## Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(30) as follows:

§ 52.1320 Identification of plan.

\* \* \* \* \*  
(c) The plan revisions listed below were submitted on the dates specified:

\* \* \* \* \*

(30) A report on the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification, submitted on December 16, 1980, is approved as meeting the applicable condition on the SIP. No action is being taken with respect to the approvability of the specific recommendations in the report.

§ 52.1324 [Reserved]

2. Section 52.1324 is amended by removing paragraph (c)(1)(ii).

[FR Doc. 81-24884 Filed 8-26-81; 8:45 am]

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40 CFR Part 52

[A-3-FRL-1907-1]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces the Administrator's approval of a revision to the Pennsylvania State Implementation Plan (SIP) which demonstrates attainment of the National Ambient Air Quality Standard (NAAQS) for ozone in the Scranton/Wilkes-Barre Metropolitan Region (Luzerne and Lackawanna Counties). The revision: (a) Demonstrates that the NAAQS for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

**EFFECTIVE DATE:** September 28, 1981.

**ADDRESSES:** Copies of the revision and associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan;

Pennsylvania Bureau of Air Quality Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, PA 17120, ATTN: Mr. Henry Alexander; Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, SW.,

(Waterside Mall), Washington, D.C. 20460;

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

**FOR FURTHER INFORMATION CONTACT:** Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Department of Environmental Resources (DER) of the Commonwealth of Pennsylvania submitted for the Governor a proposed revision to the Commonwealth's State Implementation Plan on September 19, 1980.

The revision: (a) Demonstrates that the National Ambient Air Quality Standard (NAAQS) for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

The ozone monitoring, modeling and the development of the hydrocarbon emission inventories used to support the revision were done in accordance with all applicable EPA policies and regulations.

For further information on the methods used to support the revision see EPA's Federal Register notice dated January 22, 1981, (46 FR 7005).

In order to expeditiously process the proposed revision, EPA proposed approval of the revision concurrently with DER. The EPA invited comments on the proposed approval in a notice published in the Federal Register on January 22, 1981, (46 FR 7005), and provided for a 30-day comment period ending February 21, 1981.

On March 3, 1981 the Commonwealth submitted the revision in final form after holding a public hearing on January 21, 1981 in Wilkes-Barre, Pennsylvania in accordance with the requirements of 40 CFR 51.4. The final submission does not differ from the revision originally proposed.

EPA received one comment supporting the proposed revision. DER received 5 comments in support of the revision. No comments opposing the revision were received. Since all comments supported the proposed

revision, the final submission did not differ from the proposed revision.

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 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. 7401-042.

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.

Dated: August 19, 1981.

Anne M. Gorsuch,  
Administrator.

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

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

§ 52.2020 [Amended]

**Subpart NN—Pennsylvania**

1. In § 52.2020 *Identification of Plan*, paragraph (c)(23) is revised as follows:

\* \* \* \* \*

(c) \* \* \*

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh and