

days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date.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major because it imposes no new regulatory requirements; in fact, it relieves the State from the need to comply with outdated requirements.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 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: September 19, 1981.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart NN—Pennsylvania

§ 52.2055 [Amended]

Part 52 of Title 40, Subpart NN—Pennsylvania, § 52.2055 is amended by removing paragraphs (a) and (b).

[FR Doc. 81-30608 Filed 10-21-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-7-FRL 1938-8]

Approval and Promulgation of Kansas State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246) promulgation of National Ambient Air Quality Standards (NAAQS) for lead, the State of Kansas has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP shows that all areas of the State of Kansas are presently, and will remain, in attainment of the lead NAAQS.

A notice of Proposed Rulemaking (PRM) on this action appeared in the Federal Register on June 26, 1981 (46 FR 33058). The PRM contained a discussion on the basis for EPA's proposed actions and requested public comments. No public comments have been received. The present action is a final rulemaking which approves the Kansas lead SIP and amends the Code of Federal Regulations at Sections 52.870 and 52.879.

DATES: This approval is effective November 23, 1981.

ADDRESSES: Copies of the proposed rulemaking, the state submission, the public hearing minutes, and the technical support memo (which explains the rationale for EPA's actions) are available for public review at the following locations:

Kansas, Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620;

Environmental Protection Agency, Region VII, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64108;

Public Information Reference Unit, EPA, Library, Room 2922, PM 213, 401 M Street, S.W., Washington, D.C. 20460; The Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead were promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air ($\mu\text{g lead}/\text{m}^3$), averaged over a calendar quarter. As required by section

110(a)(1) of the Clean Air Act (CAA), within nine months after promulgation of a NAAQS each State is required to submit a SIP which provides for attainment and maintenance of the primary and secondary NAAQS within the State. The State of Kansas has developed and submitted a SIP for the attainment of the lead NAAQS. The SIP shows that all areas of the State are presently, and will remain, in attainment of the NAAQS.

The basic requirements for a SIP in general are outlined in Section 110(a)(2) of the CAA and EPA regulations at 40 CFR Part 51, Subpart B. These provisions require the submission of air quality data, emission inventory data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. Specific requirements for developing a SIP for lead are outlined in 40 CFR Part 51, Subpart E.

II. Description of Kansas Lead SIP

On February 17, 1981, the Governor of Kansas submitted to EPA the state's SIP for attainment of the NAAQS for lead. A description of the Kansas lead SIP was included in the PRM published in the Federal Register on June 26, 1981 (46 FR 33058). Also, a discussion was presented in the PRM of the adequacy of the SIP submission, and a description of EPA's proposed actions. The rationale for EPA's proposed actions was explained in a technical support memo which accompanied the PRM and has been available for public review. As explained in the PRM, the SIP meets all of the basic EPA requirements for an approvable lead SIP.

III. Public Comments

No public comments were received by EPA during the 60-day public comment period.

EPA's Actions

EPA approves all parts of the Kansas lead SIP as adequate to attain and maintain the lead NAAQS in the State of Kansas.

EPA's decision to approve the Kansas lead SIP was based on the information received from the State and on a determination that the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subparts B and E, as described in the proposed rulemaking, and in the technical support memo referenced above.

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 would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it would be 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 hereby certify that this Rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it only approves state actions and imposes no additional substantive regulatory requirements.

Incorporation by reference of the SIP for the State of Kansas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sections 110 and 310(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: October 15, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart R—Kansas, of the Code of Federal Regulations is amended to include the following:

(1) Section 52.870 is amended by adding paragraph (c)(10) as follows:

§ 52.870 Identification of plan.

(c) * * *

(10) The Kansas State Implementation Plan for lead was submitted on February 17, 1981 by the Governor of Kansas, along with a submittal letter which provided additional information concerning the Kansas State Implementation Plan for lead.

(2) Section 52.879 is amended by adding to the table the pollutant "lead" in a new column with the letter "c" in each existing row in the table as follows:

§ 52.879 Attainment dates for national standards.

Pollutants		
Air quality control region	...	Lead
Northeast Kansas Intrastate	.....	c
Southeast Kansas Intrastate	.....	c
North Central Kansas Intrastate	.....	c
Northwest Kansas Intrastate	c
Southwest Kansas Intrastate	c

* * * * *

[FR Doc. 81-30463 Filed 10-21-81; 8:45 am]
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40 CFR Part 81

[A-5-FRL-1938-4]

Designation of Areas for Air Quality Planning Purposes: Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS) for the Cities of Duluth and International Falls, in Minnesota. For the City of Duluth EPA is reducing the size of the primary nonattainment area and designating those areas of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard. For the City of International Falls EPA is changing the designation from nonattainment of the primary TSP standard to nonattainment for the secondary TSP standard.

EFFECTIVE DATE: This final rulemaking becomes effective November 23, 1981.

ADDRESSES: Copies of the redesignation request, and the Notice of Proposed Rulemaking (46 FR 26504), are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460
Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977

added Section 107(d) to the Clean Air Act (Act) which directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists with any necessary modifications. The Administrator published these lists in the Federal Register on March 3, 1978 (43 FR 8962), and made necessary amendments in the Federal Register on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978 and October 5, 1978, EPA designated the cities of Duluth and International Falls as nonattainment for the primary TSP standard (43 FR 9005, 46010). A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are either (1) eight consecutive quarters of recent ambient air quality data which show no violation of the appropriate primary NAAQS; or (2) four consecutive quarters of the most recent ambient air quality data which show no violation of the appropriate primary NAAQS and which show air quality improvement. The demonstration of air quality improvement must be a result of legally enforceable emission reductions.

On November 7, 1980, the State of Minnesota requested EPA to change its designation for the City of International Falls from primary nonattainment to secondary nonattainment for TSP. For the City of Duluth, the State requested EPA to reduce the area of primary nonattainment and to designate those portions of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard. To support its redesignation request for these cities, the State submitted ambient air monitoring data from the years 1978, 1979 and the first half of 1980. In International Falls, there were no violations of the primary TSP NAAQS for either the 24-hour or annual periods. However, numerous violations of the secondary TSP NAAQS were recorded. For Duluth (1) violations of the primary TSP NAAQS were recorded in the modified primary nonattainment area; (2) violations of the secondary TSP NAAQS were recorded in the proposed secondary nonattainment area; and (3) no violations of either the primary or the secondary TSP NAAQS were recorded in the proposed attainment area.

Therefore, based upon the ambient air monitoring data, on May 13, 1981 (46 FR 26504) EPA proposed to redesignate the

Pollutants		
Air quality control region	...	Lead
Metropolitan Kansas City Interstate	.....	c
South Central Kansas Intrastate	.....	c