

Dated: April 21, 1981.

Walter C. Barber,
Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wyoming was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart ZZ—Wyoming

1. In § 52.2620, paragraph (c)(12) is added as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *
(12) A revision to Section 14 of the Wyoming Air Quality Standards and Regulations was submitted on July 18, 1980, and October 27, 1980.

[FR Doc. 81-12599 Filed 4-24-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL 1802-1]

Connecticut; Approval and Promulgation of Implementation Plans; Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan revision, submitted by the state of Connecticut, which allows a temporary variance to Federal Paperboard Company, Inc., from Connecticut Regulation 19-508-19(a)(2)(i) concerning fuel sulfur content. This variance allows, until March 27, 1983, the sale and delivery of fuel oil containing up to 2.2% sulfur by weight to the company's manufacturing facility in Sprague, Connecticut, and also allows burning by the facility of fuel oil containing up to 1.7% sulfur.

EFFECTIVE DATE: April 27, 1981.

ADDRESSES: Copies of the Connecticut document which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; Office of the Federal Register, 110 L Street NW., Room 8401, Washington, D.C.; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On November 20, 1980 EPA proposed approval (45 FR 76714) of a revision to the Connecticut State Implementation Plan (SIP) for a variance until March 27, 1983, for Federal Paperboard Company, Inc. regarding the purchase, storage, and burning of non-conforming fuel. Specifically, the company may purchase, store, otherwise take delivery of and use (but not burn) fuel oil containing sulfur in excess of 0.5% by weight but not more than 2.2% at its paperboard manufacturing facility in Sprague, Connecticut. The revision also allows this facility to burn fuel oil containing up to 1.7% sulfur. Fuel merchants similarly may sell, store, and deliver to the facility fuel oil containing up to 2.2% sulfur.

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. No comments have been received and EPA is now taking final action to approve the revision.

EPA finds good cause for making this revision immediately effective, since EPA approval imposes no additional regulatory burden and the immediate use of less expensive, higher sulfur content fuel oil will greatly ease economic burdens.

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.

After evaluation of the State's submittal, the Administrator has determined that the Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision of the Implementation Plan.

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 imposes no additional regulatory burden, and eases an economic burden. It is therefore 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. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the EPA, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

(Secs. 110(a) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: April 21, 1981.

Walter C. Barber,
Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the state of Connecticut was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart H—Connecticut

1. Section 52.370 is amended by adding paragraph (c)(12) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(12) A revision to Regulation 19-508-19(a)(2)(i), submitted by the Commissioner of the Connecticut Department of Environmental Protection on September 8, 1980, granting a variance until March 27, 1983 to the Federal Paperboard Company, Inc.

[FR Doc. 81-12517 Filed 4-24-81; 8:45 am]
BILLING CODE 6560-38-13

40 CFR Part 52

[A7 FRL 1802-8]

Approval and Promulgation of Missouri State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46248) promulgation of National Ambient Air Quality Standards for lead, the State of Missouri has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP provides for the attainment of the National Ambient Air Quality Standards (NAAQS) for lead in all areas of the State. A notice of Proposed Rulemaking (PRM) on this action

appeared in the Federal Register on December 29, 1980 (45 FR 85481). The PRM contained a discussion of the basis for the proposed action. The present action is a final rulemaking which approves the Missouri lead SIP with the exceptions discussed below, and amends the Code of Federal Regulations at Subpart AA-Missouri, §§ 52.1320, 52.1323, 52.1331 and 52.1335.

EFFECTIVE DATE: April 27, 1981.

ADDRESSES: Copies of the Missouri submission, the minutes of the public hearings, the PRM, the public comments, and the technical support memo which explains the rationale for EPA's action on the Missouri lead SIP are available for public review during normal business hours at the following locations:

Environmental Protection Agency,
Region VII, Air, Noise and Radiation
Branch, 324 East 11th Street, Kansas
City, Missouri 64106

Public Information Reference Unit,
Room 2922, EPA, 401 M Street, S.W.,
Washington, D.C. 20460

Kansas City, Missouri Health
Department, Air Pollution Control,
21st Floor, City Hall, Kansas City,
Missouri 64106

Missouri Department of Natural
Resources, 2010 Missouri Boulevard,
Jefferson City, Missouri 65102

City of St. Louis, Division of Air
Pollution Control, 419 City Hall, St.
Louis, Missouri 64103

St. Louis County, Department of
Community Health and Medical Care,
801 S. Brentwood Boulevard, Clayton,
Missouri 63105

A copy of the State submission only is available for public review during normal business hours at: 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, National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA) (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms 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 (the Act), within nine months after promulgation of a NAAQS each State is required to submit a State implementation plan (SIP) which provides for attainment and

maintenance of the primary and secondary NAAQS within the State. The State of Missouri has developed and submitted a SIP for the attainment of the lead NAAQS. The plan includes a strategy for attainment and maintenance of the lead NAAQS in all parts of the State. The lead standards have been exceeded in three areas of the State: in St. Louis County, around the St. Joe lead smelter in Herculaneum, Missouri, and around the AMAX Lead Company smelter near Boss, Missouri.

II. Description of Previous Actions Concerning Missouri Lead SIP

A. Basic Requirements

SIP requirements are outlined in Section 110(a) of the Act and in 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 in the Act, 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.

B. Description of SIP and PRM

A description of the Missouri lead SIP was presented in the PRM published in the Federal Register on December 29, 1980 (45 FR 85481). Also presented was a discussion of the adequacy of the SIP submission, and a description of EPA's proposed actions. The SIP meets EPA requirements for an approvable lead SIP except for two major deficiencies and several minor deficiencies. As explained in the PRM, the major deficiencies are: (1) the SIP stated an incorrect attainment date for attaining the lead NAAQS which EPA requested the State to correct within 60 days of EPA's final approval/disapproval action (today's action); and (2) the modeling in the SIP for the three primary lead smelters in Missouri was inadequate and the State was requested to submit complete modeling for each primary lead smelter within twelve months of EPA's final action.

The minor deficiencies of the SIP, as explained in the PRM, are: (1) the need for a compliance order, or other legally enforceable agreement stating that the rotary dryer operation has been closed down at the St. Joe Co. lead mine at Viburnum, Missouri and will remain inactive; (2) the need for mobile source emission information for the area near the St. Joe Co. lead smelter and for the area near the AMAX Co. lead smelter; (3) the need for a clarification of the procedures that Missouri will follow to

allow for a public comment period of at least 30 days on new source review actions for new air pollution sources of lead; (4) the need for information to clarify that the State will require the sources to submit in writing any requests for extensions in the consent order schedules; and (5) the need for a commitment from the State that EPA will be provided with quarterly reports which outline the sources' progress toward installation of the control measures described in the consent orders. EPA requested that the information on the minor deficiencies be submitted to EPA by the State before EPA final action.

C. Information Submitted by Missouri

The State of Missouri submitted letters to EPA on February 11, 1981, and February 13, 1981, which addressed the two major deficiencies of the Missouri lead SIP, and which provided information and commitments which corrected most of the minor deficiencies of the lead SIP.

Concerning the attainment date for the lead NAAQS, the State stated that it believes it correctly interprets the Act to require attainment of the lead NAAQS within three years of EPA's actual approval of the Missouri lead SIP. As stated in the PRM, EPA believes that the State's interpretation of the lead attainment date is incorrect. Further discussion of the issue plus EPA's actions are outlined in following sections.

Concerning the modeling deficiency for the three primary lead smelters in Missouri the State committed to perform complete modeling within 12 months of EPA's final action on the lead SIP. The State pointed out that the additional modeling will be useful in determining monitoring locations around each smelter, and will be useful in an analysis of a demonstration of attainment of the lead NAAQS. Even though the State agreed to perform modeling for each of the three primary smelters, the State also reiterated its position on the modeling around the smelters as stated in the lead SIP. The State explained that the modeling previously done was not useful to the State, that the State knows of no new information that is available which would compel the State to assume any position other than as stated in the lead SIP, and that the situation will not change after 12 months. The State also stated its position that monitoring information will be the "final demonstrator of attainment" of the lead NAAQS.

EPA will assist the State in performing complete modeling for each primary lead smelter in Missouri. EPA acknowledges the State's intention for monitoring information to be the final determining factor in demonstrating attainment. However, as discussed elsewhere in this notice, the State has not submitted its modeling to EPA, and has not demonstrated to EPA that adequate modeling cannot be performed. EPA believes that modeling of lead emissions from lead smelters is possible and should be considered in a demonstration of attainment of the lead NAAQS. EPA believes that both long-term monitoring information and modeling around sources should be used to show attainment, and both considered in revising control strategies if present control strategies are later determined inadequate to attain the lead NAAQS by the attainment date.

The State also provided information to EPA which clarified and corrected the minor deficiencies of the lead SIP. (1) The State submitted to EPA a letter from St. Joe Minerals Corporation which stated that the rotary dryer operation has been closed down, dismantled, and removed from the lead mining operation in Viburnum, Missouri. In light of this new information, EPA believes this deficiency is corrected without the necessity of the State obtaining an enforceable order requiring shutdown of the rotary dryer operation. (2) The State provided mobile source emission information showing that the lead emissions from motor vehicles in the Herculaneum and Boss area are indeed minor (between 1,000 and 30,000 times smaller) compared to lead smelter emissions for the areas around the St. Joe Co. lead smelter and the Amax Co. lead smelter. (3) Concerning the review process for new lead sources in Missouri, the State submitted information which explained that all new sources of lead with 5 tons or more of lead emissions per year will be required to obtain a permit to operate. The State also explained that the permit process will allow for 30 days of public review of the State's actions on new lead source permits. The State is amending its existing regulations for new source review to expressly require such public review. EPA believes that the pending changes to the State regulations correct the minor deficiency concerning the review of permits for lead sources in Missouri. EPA's action on the Missouri revisions to its new source review regulations will be announced in a separate Federal Register notice in the near future. (4) The State provided a determination by

the Attorney General of Missouri that explained that automatic extensions in the consent order schedules are not allowed under the force majeure clause in the consent orders. Under Missouri law the burden of proof rests on the sources, which, to avoid the possibility of sanctions for failure to meet a compliance schedule deadline, must prove to the State that the failure to meet a deadline was caused by an event covered by the force majeure clause. (5) The State provided a commitment to EPA to provide quarterly reports for each of the three smelters. The reports will outline the progress each source has made during the previous three months regarding the installation of control measures by specified dates in the consent orders.

Concerning EPA's request in the PRM that the State submit additional monitoring data from the short-term monitoring network around the three primary lead smelters in Missouri, the State explained in its letter to EPA that no additional data has been obtained from the smelter-run monitoring system. As stated in the PRM, EPA believes that any additional short-term monitoring information should be made available for EPA and public review. The State has explained that the information is not available, and EPA does not intend to delay its action on the Missouri lead SIP since EPA believes that with the implementation of the long-term monitoring network around each smelter, the public, EPA and the State will be sufficiently informed as to the ambient air concentrations of lead around the sources and the sources' progress in attaining the lead NAAQS.

III. Public Comments

In addition to the State's submittal of information which has been described previously, four sets of comments were received by EPA. Two sets of comments were received from St. Joe Lead Co., and two sets of comments were received from AMAX Lead Co. Each comment letter is available for public review at each of the addresses listed in the ADDRESSES section of this rulemaking, and the letters have been placed in the rulemaking docket which is on display at the EPA Region VII office. EPA has reviewed all of the comments and has considered each one in the development of today's action. The major comments do not differ significantly from the state's comments on the attainment date issue and the modeling issue which were discussed earlier in this rulemaking. A detailed discussion of the comments and the Agency's responses can be found in the Technical Support Document which is also available for

public review at each of the addresses listed in the ADDRESSES section of this notice. As part of a continuing attempt to reduce government Federal Register printing costs, the following paragraphs summarize only the major issues of the comments and present a brief discussion of EPA's responses.

A. Attainment Date

Three commenters challenged the attainment date for lead and the October 5, 1978 [43 FR 46246] promulgation of the NAAQS for lead. The three commenters disagree with the attainment date for lead of October 31, 1982, and believe that the attainment date should be 3 years from EPA actual approval of the lead SIP. As mentioned above, the State also has commented and disagreed with the October 31, 1982 attainment date.

As stated in the PRM and in the promulgation notice for the lead NAAQS, the attainment date for the lead NAAQS is October 31, 1982, three years after the mandated EPA approval date for all lead SIPs of October 31, 1979. In addition to effectuating the Congressional intent that the standards be attained as soon as possible after promulgation, the nationwide attainment date does not allow competitive advantages to be obtained in the marketplace by lead sources located in states which have failed to submit lead SIPs in a timely fashion which provide for attainment of the lead NAAQS by the national attainment date for lead. Also, since EPA is approving the State's control strategy for attainment by the required date, as described in this notice and the PRM, the national attainment date imposes no additional burden on the affected sources in Missouri, or the State, beyond those to which the sources and the State have already committed in the consent orders. EPA is allowing the State of Missouri 60 days from today to revise the attainment date in the SIP to the correct one of October 31, 1982 (or October 31, 1984 for areas where a two year extension is granted).

B. Modeling

Three commenters challenged EPA's disapproval of the section of the SIP that deals with modeling of the three primary lead smelters in Missouri. The commenters pointed out that modeling was attempted by the state, but was not successful. Each commenter argued that state of art modeling techniques cannot yield meaningful information for the three primary lead smelter situations in Missouri. The commenters stated that EPA should approve the State's

attempted modeling, and not request any additional modeling. The commenters also concurred with the State's intention that monitoring information should be used for the demonstration of attainment around each source.

As explained in the PRM and in 40 CFR 51.84, the State is required to do atmospheric dispersion modeling around each primary lead smelter and is required to submit the modeling to EPA in the lead SIP. EPA is aware that the State did some modeling but the modeling was deemed unusable by the state since no correlation was found between modeling and monitoring data. However, the State did not submit the modeling in the SIP for EPA review. EPA cannot approve an analysis that it has not reviewed, especially when EPA is unsure that the State used the state of the art in modeling for lead emissions around point sources. EPA believes that modeling for lead emissions is possible for primary lead smelters and EPA intends to assist the State during the coming months in developing modeling for each of the primary lead smelter situations in Missouri. The State has committed to performing complete modeling and submitting the information to EPA within 12 months of today's action. EPA will review the modeling when submitted and will announce in a future Federal Register notice whether the modeling is adequate and approvable in relation to the requirements of 40 CFR 51.84.

EPA Actions

EPA approves all parts of the Missouri lead SIP except for two sections. EPA's approval includes the consent orders for the State's three lead smelters. As indicated in the PRM, certain compliance dates in two of the consent orders are based on the date EPA approves the Missouri lead SIP. EPA considers today's action an approval of the lead SIP for purposes of establishing these compliance dates. EPA's approval also includes the State's attainment date extension request for the area around the AMAX and St. Joe primary lead smelters. The attainment date for these two areas is October 31, 1984, which is the required attainment date for the lead standard of October 31, 1982 plus the two year extension.

The two sections that are disapproved are: the section concerning the State's attainment date for the lead standard, and the section concerning modeling done for the three primary lead smelters in Missouri. EPA is allowing the state 60 days from today's rulemaking to correct the attainment date to be October 31, 1982 for all parts of the State except the

areas around the AMAX and St. Joe primary lead smelters, for which the attainment date is October 31, 1984. If the State does not revise the SIP accordingly and submit the revision to EPA within 60 days from today's rulemaking, the EPA will promulgate the correct attainment date for the Missouri lead SIP in accordance with § 110(c)(1) (B) and (C) of the Act. EPA is allowing the State twelve months from today's rulemaking to submit to EPA complete modeling for each primary lead smelter in Missouri as required by 40 CFR 51.84.

The Administrator's decision to approve or disapprove the appropriate sections of the Missouri lead SIP was based on the information received from the State, the information received during the public comment period, and on a determination whether the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA finds that good cause exists for making this rulemaking effective immediately for the following reason:

1. Portions of the schedules in the consent orders in the SIP are keyed to EPA approval of the SIP. Immediate effectiveness allows the implementation of the control strategies outlined in the consent orders to begin immediately; and

2. The immediate effectiveness enables sources to proceed with certainty in conducting their affairs, and persons seeking judicial review of EPA's actions may do so without delay.

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 is only approving the State's plan to implement control strategies on affected sources in the state of Missouri, the implementation of which the sources have agreed to. Hence, this rule 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. In addition, the two disapprovals outlined in this notice impose no new regulatory requirements. Therefore, the disapprovals are unlikely to have significant adverse economic impacts.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

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.

Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: April 21, 1981.

Walter C. Barber,
Acting Administrator.

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

1. Section 52.1320 is amended by adding paragraph (c)(26) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(26) On September 2, 1980, the Missouri Department of Natural Resources submitted the State Implementation Plan for Lead. On February 11 and 13, 1981, the Missouri Department of Natural Resources submitted two letters containing additional information concerning the State Implementation Plan for Lead.

2. Section 52.1323 is amended by adding a sentence at the end of the paragraph as follows:

§ 52.1323 Approval status.

* * * The attainment date for attainment of the lead standard as stated in the Lead plan is disapproved.

3. Section 52.1331 is amended by adding paragraph (e) as follows:

§ 52.1331 Extensions.

* * * * *

(e) Missouri's request for an extension to attain the lead standard in the vicinity of the St. Joe primary lead smelter and the AMAX primary lead smelter to not later than October 31, 1984 is approved. The St. Joe Lead Co. smelter is located in Herculaneum, Missouri, which is within the Metropolitan St. Louis Interstate AQCR, and the AMAX Lead Co. smelter is located in Boss, Missouri, which is within the Southeast Missouri Intrastate AQCR.

4. Section 52.1335(a) is amended by adding at the end of the table as follows: § 52.1335 Compliance schedules.
(a) * * *

Source	Location	Regulation Involved	Date adopted	Effective date	Final compliance date
St. Joe Lead Co.....	Herculeum, Mo.....	§ 203.050.1(5), RSMO1978.	August 15, 1980.....	Immediately.....	(42 months from final rulemaking date).
AMAX Lead Co.....	Boss, MO.....do.....do.....do.....	(48 months from final rulemaking date).
ASARCO, Inc.....	Glover, MO.....do.....do.....do.....	Dec. 31, 1980.

[FR Doc. 81-12519 Filed 4-24-81; 8:45 am]
BILLING CODE 6560-39-M

40 CFR Part 58

[A-2-FRL 1802-7]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of New York, the State of New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands

AGENCY: Environmental Protection Agency.
ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of revisions to the State Implementation Plans of New York, New Jersey, Puerto Rico and the Virgin Islands. The revisions were submitted in response to the requirements of a new Part 58, "Ambient Air Quality Surveillance," of Title 40 of the Code of Federal Regulations.

EFFECTIVE DATE: This action is effective on April 27, 1981.

ADDRESSES: Copies of the SIP revisions submitted are available for inspection during normal business hours at the following addresses:

- U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278
- U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460
- New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233
- State of New Jersey Department of Environmental Protection, Division of Environmental Quality, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625
- Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910
- Virgin Islands Department of Conservation and Cultural Affairs,

Division of Environmental Health, Charlotte Amalie, St. Thomas 00801
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: On May 10, 1979, the Environmental Protection Agency (EPA) promulgated Ambient Air Quality Monitoring, Data Reporting and Surveillance Provisions (44 FR 27558). This action revoked the requirements for air quality monitoring in Part 51 of Title 40 of the Code of Federal Regulations (CFR) and established a new Part 58 entitled "Ambient Air Quality Surveillance."

By August 1980, the New York State Department of Environmental Conservation, the State of New Jersey Department of Environmental Protection, the Puerto Rico Environmental Quality Board, and the Virgin Islands Department of Conservation and Cultural Affairs submitted revisions to their respective State Implementation Plans (SIPs) to provide for a comprehensive air quality monitoring plan designed to meet the ambient air quality monitoring and data reporting requirements of the new 40 CFR Part 58.

Receipt and proposed approval of the revisions to the four SIPs was announced in the Federal Register on February 12, 1981 (46 FR 12022), where the applicable CFR requirements are discussed in more detail. In that notice, EPA advised the public that comments would be accepted as to whether the proposed SIP revisions should be approved or disapproved.

One comment was received, from Allied Chemical, questioning whether a particular monitor designated as a National Ambient Monitoring System (NAMS) site meets applicable NAMS siting criteria. Since this notice concerns

a commitment to establish and operate a network of monitoring stations rather than an approval of specific monitoring locations, EPA finds the comment not relevant to today's rulemaking.

EPA has reviewed the four SIP revisions submitted and has determined that they meet the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations at 40 CFR Part 58. EPA is therefore approving the revised monitoring plans for New York, New Jersey, Puerto Rico and the Virgin Islands. This action is being made immediately effective because it imposes no regulatory burden.

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.

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 action relates only to air quality surveillance to be carried out by the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands and will not cause any significant economic impacts. Furthermore, this action comes within the terms of the certification issued on January 27, 1981 (46 FR 8709).

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 the revised air monitoring systems submitted by the States to meet the requirements of new 40 CFR Part 58, will be derived from existing state networks with adjustments and additions where necessary. Consequently, this rule does not impose any substantial increase in resources for the states or local government agencies.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: U.S. Environmental Protection Agency, Air Programs Branch, 26 Federal Plaza, Room 1005, New York, New York 10278 (212) 264-2517.