

may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it 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.

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

[Secs. 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502]

Dated: October 22, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart T—Louisiana

1. Section 52.970 is amended by adding new paragraphs (c)(24) and (c)(25) which read as follows:

§ 52.970 Identification of plan.

(c) * * *

(24) Revised Regulations 22.9.2, 22.9.3(b), 22.19, 22.28, 22.21, 22.22 and 22.23 and revised Regulation 4.0 (i.e. sections 4.99 through 4.116) were adopted by the State on November 27, 1979 and submitted by the Governor on December 10, 1979; and revised Regulations 22.3 and 22.20.2 were adopted by the State on July 22, 1980 and submitted by the Governor on September 12, 1980.

(25) Revised Regulations 22.9.3(b), 22.20.3, and 22.23.7 were adopted by the State on December 11, 1980 and submitted by the Governor on January 12, 1981; revised Regulation 22.21.2(E) was adopted by the State on April 23, 1981 and submitted by the Governor on June 3, 1981; and, revised Regulation 22.19.2(B) was adopted by the State on June 25, 1981 and submitted by the Governor on July 22, 1981.

[FR Dec. 81-31235 Filed 10-23-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[AH 400WV; A-3-FRL-1952-3]

Approval of Revision of West Virginia State Implementation Plan.

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: West Virginia has asked EPA to approve a plan for assuring that the State's population is not exposed to excessive levels of lead in the atmosphere. EPA hereby announces approval of West Virginia's plan for controlling lead emissions as a revision to the West Virginia State Implementation Plan (SIP). EPA's approval will be effective as of December 28, 1981 unless EPA is notified by November 30, 1981, that someone wishes to submit adverse or critical comments.

DATE: This action is effective December 28, 1981.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of EPA Region III at the address cited below. Copies of West Virginia's submittal may be examined during normal business hours at the following locations:

Environmental Protection Agency,
Region III, Curtis Building, Tenth
Floor, Sixth and Walnut Streets,
Philadelphia, Pennsylvania 19106,
Attn: Mr. Raymond D. Chalmers
West Virginia Air Pollution Control
Commission, 1558 Washington Street,
East, Charleston, West Virginia, Attn:
Mr. Carl Beard
The Office of the Federal Register, 1100
L Street, N.W., Room 8401,
Washington, D.C.
Public Information Reference Unit,
Room 2922, EPA Library, U.S.
Environmental Protection Agency, 401
M Street, S.W., Washington, D.C.
20460

FOR FURTHER INFORMATION CONTACT:
Mr. Raymond D. Chalmers, who can be
reached at the EPA Region III address
given above or by calling 215/597-8309.

SUPPLEMENTARY INFORMATION:
Governor John D. Rockefeller IV of West Virginia has submitted a plan to EPA that ensures that citizens of West Virginia will not be subjected to excessive levels of lead in the atmosphere. He has asked EPA to include this plan in the West Virginia State Implementation Plan (SIP). EPA is today approving West Virginia's request because EPA has determined that West Virginia has met the lead plan requirements EPA established in the

Federal Register of October 5, 1978, 43 FR 46264.

West Virginia states in its plan it has no areas where the lead standard has not been attained. It based this conclusion on the facts that it has had no monitored violations of the lead standard and that it has no major lead sources. In view of the fact that it has no areas where the lead standard has not been attained, West Virginia chose not to adopt any new regulations limiting lead emissions. West Virginia included in the plan mainly a demonstration that it had in fact attained the lead standard, a demonstration that consisted of data on present lead emissions and concentrations, and also on projected emissions and concentrations. West Virginia also included in the plan a procedure for assuring that any new lead sources that may be constructed in the State will not cause the lead standard to be violated.

According to West Virginia, lead emissions in the State in 1979 were 398 tons per year, 381 tons due to gasoline-powered vehicles. West Virginia projects that lead emissions in 1983 will be 229 tons per year, the reduction in emissions occurring as a result of expected decreases in lead emissions from gasoline-powered vehicles.

West Virginia states in the plan that it began monitoring for lead in January, 1979. The State included in the plan all lead data obtained in 1979. The highest lead concentration recorded in 1979 was 0.96 $\mu\text{g}/\text{m}^3$. The State projects that the highest value in 1983 will be 0.55 $\mu\text{g}/\text{m}^3$. Both values are well below the 1.5 $\mu\text{g}/\text{m}^3$ lead standard.

West Virginia has made new lead sources subject to review under Regulation XIII, West Virginia's regulation requiring permits for construction of new sources, by defining lead as a hazardous pollutant. Thus, all new lead sources should be reviewed to assure that they will not cause the lead standards to be exceeded. EPA's approval of Regulation XIII in this rulemaking is based upon the assumption that new lead sources as defined in 40 CFR 51.80(a)(1) in light of 40 CFR 51.1(k)(2) will not be considered sources of minor significance under § 2.11(b)(4) of that Regulation.

The West Virginia plan also includes a brief statement indicating that the State expects the plan to have no energy, economic or social effects, since the plan includes no new regulatory requirements.

Since West Virginia's plan demonstrates that the State has attained the lead standard, and since the plan contains no new regulations for

controlling lead emissions, EPA regards the plan as noncontroversial and routine. Accordingly, EPA has decided to give final approval to the plan effective December 28, 1981. However, EPA will withdraw this final action, and publish a new rulemaking proposing approval of the lead plan and soliciting comment on it, if anyone notifies EPA by November 30, 1981 that they wish to submit adverse or critical comments.

Note.—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 this action only approves State actions and imposes no new requirements.

This rule 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. section 605(b) I certify that the SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 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: October 22, 1981.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart XX—West Virginia

1. Section 52.2520 is amended by adding paragraph (c) (15) as follows:

§ 52.2520 Identification of plan.

(c) * * *
(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

[FR Doc. 81-31390 Filed 10-28-81; 8:45 am]
BILLING CODE 6560-36-M

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes; Alabama: Redesignation of Marion, Lamar, and Fayette Counties for Ozone and Lauderdale County for Particulate Matter and Georgia: Redesignation of Fulton County; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking sets forth a revised ozone attainment status for Marion, Lamar, and Fayette Counties in Alabama, and a revised particulate attainment status for Lauderdale County. Data submitted by the Alabama Air Pollution Control Commission (AAPCC) for one ozone season showed no violations of the National Ambient Air Quality Standard (NAAQS) for ozone. The data submitted are representative of the relatively homogeneous area lying within 50 kilometers of the monitoring site in Guin, Alabama. EPA is today changing the designation of these counties for ozone from unclassifiable to attainment. The AAPCC also submitted to EPA eight quarters of total suspended particulate (TSP) data from the Lauderdale County area around Florence. These data show no violation of the NAAQS for Lauderdale County. EPA is today approving the State's request for redesignation of Lauderdale County from unclassifiable for TSP to attainment. At the State's request, EPA is withdrawing a proposal published in the Federal Register on June 26, 1981 (46 FR 33059) that a portion of Etowah County be redesignated from primary to secondary nonattainment for TSP. In a final rule published September 23, 1981 (46 FR 46929), EPA announced that the designation of Atlanta (Fulton County), Georgia for TSP was changed to attainment, but the regulatory text did not show this change; this omission is corrected today.

DATE: These actions are effective November 30, 1981.

ADDRESSES: The Alabama submittals may be examined during normal business hours at the following offices:

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

Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, N.E., Atlanta,
Georgia 30365

Alabama Air Pollution Control
Commission, 645 South McDonough
Street, Montgomery, Alabama 36130

FOR FURTHER INFORMATION CONTACT:
Archie Lee at the EPA Region IV
address above or telephone 404/881-
3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: Pursuant to the Clean Air Act Amendments of 1977, the AAPCC implemented statewide regulations to control sources of volatile organic compounds (VOC). Since the 3M Company's plant in Guin was subject to the statewide VOC regulations, they subsequently submitted an alternative compliance schedule under Part 6.15 of the Commission's Rules and Regulations, which allows sources employing low-solvent technology an extended schedule for compliance. In addition, 3M established an ambient monitoring site for ozone to determine if the area was attainment or nonattainment for ozone.

3M began monitoring for ozone on April 15, 1980, and stopped on October 31, 1980. EPA determined that the data generated between April 15, 1980 and September 27, 1980, was acceptable for use in determining the attainment status of the three counties whose area lies within 50 kilometers of 3M's monitor.

EPA's guidelines for assessing compliance with the ozone standard, EPA 450/4-79-003, state that one oxidant season of ambient data is adequate for the assessment if that is the only available data, if no data have been arbitrarily excluded, and if the data are valid by having been subject to an acceptable quality assurance plan. The data meet these criteria, and show no violation of the NAAQS for ozone. Redesignation to attainment was proposed in the Federal Register of May 18, 1981 (46 FR 27131); no comments were received in response. Accordingly, EPA is redesignating Marion, Lamar, and Fayette Counties from unclassifiable for ozone to attainment. This redesignation will not be reflected in 40 CFR Part 81 since section 107 of the Clean Air Act does not provide for a distinction between areas which are unclassifiable for ozone and those which are attainment.

On March 3, 1978 (43 FR 8982), EPA promulgated an unclassifiable status for a portion of Lauderdale County, Alabama. This classification was the result of insufficient TSP data in the area around Florence, Alabama.

Under EPA policy for section 107 redesignations, issued on June 12, 1978, an area can be redesignated attainment for TSP on the basis of no less than eight