

(iv) The capacity of the proposer to carry out satisfactorily the proposed project activities.

(2) If the proposal is submitted jointly by, or on behalf of, more than one eligible applicant, the proposal must:

(i) Contain a cooperation agreement signed by the Chief Executive Officer of each participating jurisdiction which specifies concurrence with the purpose and intent of the proposal and intent to comply with grant requirements;

(ii) Address problems faced by all jurisdictions listed in the proposal; and,

(iii) Be submitted by the lead jurisdiction. The lead jurisdiction shall be responsible for overall coordination and administration of the project.

(3) Unsolicited proposals may be submitted any time during the year. However, if there are no funds available for such proposals, they will be returned without review. Proposals shall contain a Standard Form 424 signed by the Chief Executive Officer of the State or unit of general local government. They shall be sent to: Department of Housing and Urban Development, Office of Community Planning and Development, 451 Seventh Street, S.W., Washington, D.C. 20410, Attention: Director, Office of Program Policy Development, CPP.

(e) *Applications.* Applications are accepted only from eligible applicants in response to letters of solicitations, or to competition announcements published in Notices in the *Federal Register*. Submission requirements and criteria to be used by HUD to evaluate solicited applications and instructions regarding their submission shall be stated in each Notice or letter.

(f) *Certifications.* Applications shall contain the certifications required by 24 CFR 570.307, except that regarding citizen participation: The applicant must certify that citizens likely to be affected by the project, particularly low- and moderate-income persons, have been provided an opportunity to comment on the proposal or application. If the application is submitted jointly, or on behalf of more than one jurisdiction, each jurisdiction shall submit the required certifications.

(g) *Selection and Notification.* The HUD decision to approve, disapprove or conditionally approve a proposal or application shall be communicated in writing to the applicant.

(Title 1, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: May 24, 1982.

Stephen J. Bollinger,
Assistant Secretary for Community Planning
and Development.

[FR Doc. 82-18768 Filed 7-9-82; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations on the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This final rulemaking amends the regulations to specify that the Director, Minerals Management Service (MMS), has the authority to consider inordinate delays in obtaining governmental permits and consents when evaluating a lessee's request for a suspension of operations thereby extending the primary term of the lease on the Outer Continental Shelf (OCS). Such action assures a lessee that its leasehold interest will not expire because of governmental delays beyond the control of the lessee. The equitable position of lessees in such situations had previously been recognized and suspensions had been granted when appropriate. The effect of the rule is to formalize the criteria so that lessees can be assured of the Director's authority to grant a suspension under the circumstances identified in the rule. In response to the Notice of Proposed Rulemaking published in the *Federal Register* on August 20, 1981 (46 FR 42286), by the U.S. Geological Survey (USGS) (the MMS succeeded to the authorities and responsibilities of the USGS in this regard on January 19, 1982 (Secretarial Order No. 3071)), industry, various Government Agencies, and the interested public submitted comments on the proposed changes which were evaluated and analyzed in connection with this final rule.

EFFECTIVE DATE: August 11, 1982.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION:

Background

The current regulation, 30 CFR 250.12(b), was promulgated to implement section 5 of the Outer Continental Shelf Lands Act (OCSLA) with respect to granting a suspension of operations upon the request of the

lessee. The regulation identifies the criteria used by the Director, upon the lessee's request, to suspend operations and extend the term of the lease, as provided in the Act. The first criterion authorizes a suspension to facilitate the proper development of a lease. The Director has interpreted this criterion to encompass situations where delays in obtaining governmental permits and consents have been of such a duration as to jeopardize the exploration and development of a lease within the initial lease term, and which delays are not the result of fault or negligence of the lessee. However, in order to clarify that inordinate delays are a proper element for consideration in granting a suspension of operations, the regulations are being amended to explicitly recite this standard.

Comments

A total of 18 comments and recommendations were received in response to the Notice of Proposed Rulemaking. Fourteen commenters agreed that inordinate delays should be considered in determining whether suspensions of operations should be granted, one was opposed, and three questioned what was meant by the change but expressed no opinion.

Difference Between Proposed Rule and Final Rule

There is no difference between the proposed rule and final rule.

Discussion of Comments

The majority of commenters agreed with the Department's proposal to articulate the authority of the Director to grant suspensions of operations when inordinate delays are encountered in obtaining governmental permits or consents. Several of the commenters expressed their approval because the amendment would facilitate the development of OCS leases by minimizing the risk of losing a lease for failure to explore and develop during the lease term because of inordinate delays in obtaining necessary governmental permits or consents. The specific authorization serves to put lessees on notice as to their ability to request a suspension when facing such delays.

Many commenters questioned the definition of inordinate. Some industry commenters suggested the use of a specific time frame for permit or consent approval, such as 90 or 120 days beyond which an inordinate delay would be presumed. We disagree with the use of a specific time frame. Because of the many differences in the types of permits and consents that a lessee may need

and the time that may be necessary to process such permits and consents, it is not practicable to establish a time frame in advance. Each case must be dealt with on an individual basis to determine what constitutes an inordinate delay. Two governmental Agencies expressed the opinion that the determination of what was an inordinate delay should not reside exclusively in the Department of the Interior (DOI), but that the permitting Agency should be consulted. We fully intend to consult with other Agencies when appropriate, but do not feel that a mandatory formal procedure for contact should be established. The evidentiary burden concerning the delays is on the lessee who requests a suspension of operations based on inordinate delay. If the lessee meets the threshold burden of showing that an unreasonably lengthy period of time has passed without some resolution in a permitting situation, it then becomes the responsibility of the Department to determine if the delay has been unreasonably lengthy, i.e., has there been an inordinate delay. A number of factors would be considered, such as the usual time required for processing the specific type of permit in question, whether the lessee cooperated with the permitting Agency, and whether the lessee's proposed operations were atypical so as to justify a closer and more time-consuming analysis by the permitting Agency. In many cases, knowledge of and consideration of these and other relevant factors could not occur without consulting the permitting Agency.

Another commenter recommended that upon a showing of inordinate delay the granting of a suspension of operations should be automatic. We disagree. The decision to grant or deny a suspension of operations is a matter of discretion under the OCSLA. The existence of inordinate delays is not the only criterion considered in granting a suspension. The Department must also consider whether the suspension is in the national interest. That determination requires the exercise of judgment and cannot be subject to an automatic determination.

One of the commenters stated several reasons for opposing the rule. First, it felt the rule conflicted with the OCSLA since the Act lists three criteria for granting suspensions. The commenter argued that the Congress intended these three criteria to be exclusive. The commenter stated that the three criteria were all for postlease operational type delays and that if delays were encountered in obtaining permits, they resulted from DOI's failure to perform

its duty to consult with other Agencies prior to granting a lease. We disagree that prelease consultation would necessarily identify all of the issues that might arise under a permit. The passage of time alone may well result in changed circumstances. We also disagree that the proposed suspension criterion is inconsistent with the statutory criteria. Permits and consents are a necessary prerequisite to development of an OCS lease. If failure to obtain the necessary permits through no fault of the lessee jeopardizes the proper development of a lease, the lessee should not be penalized when the lessee cannot control the issuance of a permit. The Department is simply clarifying its authority to grant suspensions for inordinate delays in order to facilitate proper development of a lease—a statutorily identified criterion.

Second, the commenter argued that the Department had violated the standard announced by the court in *Union Oil v. Morton*, 512 F.2d 743 (1975), that a lease cannot be suspended for matters that could have been anticipated at the time of the issuance of the original lease. We disagree that this rulemaking violates the court's ruling. If delays are inordinate they are unanticipated by definition and can be the basis for granting a suspension.

Third, the commenter alleged that the Department had inappropriately waived the requirements of the National Environmental Policy Act (NEPA) and Executive Order (E.O.) 12291. No such waivers occurred. The Notice of Proposed Rulemaking stated that the Department had made determinations that the proposed revision was not a major Federal action that would significantly affect the quality of the human environment, therefore, an environmental impact statement was not necessary; and that a regulatory impact analysis was not required under E.O. 12291 because the rule was not major within the meaning of that Order. This rulemaking does not change any policy that affects the human environment, rather it formalizes in the regulations a criterion currently recognized by the Director when considering a lessee's request for suspension of operations.

The regulations of the Council on Environmental Quality (CEQ) implementing NEPA (40 CFR 1508.4) provide for the identification of categories of actions that do not have a significant impact on the human environment. An action within such a categorical exclusion ordinarily requires neither an environmental impact statement nor an environmental

assessment. Pursuant to these CEQ regulations, a list of categorical exclusions has been published as an appendix to the DOI Manual chapter of NEPA procedures (516 DM 6, Appendix 2) (46 FR 7485, January 23, 1981). One of the listed exclusions relates to modification of regulations with impacts limited to administrative, economic, or technological effects and minimal environmental impact. Because the proposed rule simply clarifies the preexisting authority of the Director, the impacts of the amendment of this regulation are limited to administrative effects. The Department Manual further lists nine exceptions that apply to actions within categorical exclusions which necessitate preparation of an environmental assessment (516 DM 2). None of the nine exceptions is applicable to the amendment of this regulation and, therefore, it remains within the categorical exclusion status. Accordingly, it was properly determined that no NEPA documentation was required. In accordance with E.O. 12291 a Determinations of Effects of Rules document was prepared by the Department concluding that the rule was not major within the meaning of that Order and, therefore, a regulatory impact analysis was not necessary. This conclusion was concurred in by the Office of Management and Budget as required by E.O. 12291 prior to publication of the Notice of Proposed Rulemaking. The same procedure is followed by the Department regardless of the nature of the rule. The Department has been in full and complete compliance with the requirements of NEPA and E.O. 12291 throughout this rulemaking process.

Finally, the commenter alleged that the rule was simply a response to an adverse trial court decision that affirmed the position of the State of California in Lease Sale No. 53. The commenter bases this allegation on the fact that the Notice of Proposed Rulemaking was published less than 1 week after the trial court's decision. As the Department was in no position to anticipate the court's decision far enough in advance to initiate the rulemaking process, it is not possible that this revision could have been in response to the court decision. This rulemaking is part of a departmental effort to streamline regulatory requirements found to be excessive, burdensome, or counterproductive. This rule was identified as a result of internal review and was also identified in comments solicited from the public by the Secretary in January 1981. It was one of a number of regulations approved for

streamlining action by the Department in June 1981. The processing of rulemaking through to the publication stage under E.O. 12291 is a lengthy undertaking and could not be accomplished in response to an action occurring less than a week earlier.

INFORMATION COLLECTION: The information collection requirement contained in 30 CFR 250.12 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043.

AUTHORS: Platte Clark, Jane Roberts, and David Schuenke, Minerals Management Service, Department of the Interior, (703) 860-7916.

REGULATORY ANALYSIS AND SMALL

ENTITY FLEXIBILITY ANALYSIS: The Department has determined that this final rule is not a major action and does not require the preparation of a regulatory impact analysis under E.O. 12291. In addition, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities and does not, therefore, require a small entity flexibility analysis under the Regulatory Flexibility Act.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

March 4, 1982.

List of Subjects in 30 CFR Part 250

Continental shelf; Suspension of operations; Lessees for Federal Government OCS tracts.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons set out in the preamble, 30 CFR Part 250 is amended as set out below:

1. Section 250.0(b) is added to 30 CFR 250.0 to read as follows:

§ 250.0 Authority for information collection.

(a) * * *

(b) The information collection requirement contained in 30 CFR 250.12 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043. The information is being collected and will be used to determine the propriety of granting a suspension of operations requested by a lessee. The obligation to respond is required to obtain a benefit.

2. Section 250.12 is amended by changing the format of (b)(1), by adding a new paragraph (b)(1)(iv), and by revising (b)(3)(iii) to read as follows:

§ 250.12 Suspension of operations and lease cancellation.

(b)(1) Upon the request of a lessee, the Director may suspend or temporarily prohibit production or any other operation or activity pursuant to a lease when the Director determines that the suspension or temporary prohibition is in the national interest and will—

(i) Facilitate proper development of a lease;

(ii) Allow for the construction of, or for the negotiation for the use of, transportation facilities;

(iii) Facilitate the installation of equipment the Director determines is necessary for safety or environmental reasons; or

(iv) Allow for inordinate delays encountered by the lessee in obtaining any required permit or consent from a Federal, State, or local Government authority, including administrative or judicial challenges or appeals.

(2) * * *

(3) * * *

(iii) Whether, during the primary term, the lessee has been prompt and efficient in the exploration or in attempts to explore the lease.

* * * * *

(43 U.S.C. 1334)

[FR Doc. 82-18772 Filed 7-9-82; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean at San Miguel Island, California Danger Zone; Correction

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule; correction.

SUMMARY: The Department of the Army published final rules in the Federal Register on February 3, 1982 (47 FR 4990-4991), amending the regulations which establish a danger zone at San Miguel Island, California, under 33 CFR 204.203. The statutory authority in 33 U.S.C. 3 was omitted in the Federal Register document. We are correcting that omission by inserting:

"AUTHORITY: (33 U.S.C. 3)."

EFFECTIVE DATE: July 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, HQDA, DAEN-CWO-N, Washington, D.C. 20314 or call (202) 272-0200.

Dated: June 30, 1982.

Approved:

James W. Ray,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 82-18734 Filed 7-9-82; 6:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2066-6]

Approval and Promulgation of Air Pollution Control Regulations As Part of the Illinois State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 3, 1979, the Illinois Environmental Protection Agency (IEPA) submitted for incorporation in the Illinois State Implementation Plan (SIP) a number of rules and amendments to rules contained in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations. This notice announces the Environmental Protection Agency (EPA) final approval of the incorporation of this material in the Illinois SIP.

DATE: This action will be effective on September 10, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Mr. Gary Gulezian, Chief of the Regulatory Analysis Section of the EPA Region V Air Programs Branch (address below). Copies of the material submitted by the State of Illinois are available at the following locations:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604
Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, S.W., Washington, D.C. 20460
Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT:

Mr. Randolph O. Cano at the EPA Region V address above, or call him at (312) 886-6035.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the Illinois Environmental Protection Agency (IEPA) submitted a number of rules and amendments to

rules contained in Chapter 2 of the Illinois Pollution Control Board Rules and Regulations for incorporation in the Illinois SIP. EPA, however, in its February 21, 1980 rulemaking (45 FR 11472) indicated that it was taking no action at that time to include these regulations and amendments in the federally approved SIP.

EPA has subsequently reviewed these regulations and amendments. Each regulation and/or amendment is summarized below in order of the date of adoption by the Illinois Pollution Control Board (IPCB). The full text of these regulations is available for inspection at the addresses listed in the beginning of this notice.

The following Illinois Regulations were adopted on May 3, 1973:

Rule 301 serves as a preamble which discusses the nature and purpose of ambient air quality standards.

Rule 302 indicates that the standards of Part III are applicable throughout the State of Illinois except as otherwise provided in this part.

Rule 304 makes the standards contained in Part III effective 10 days after they are filed with the Secretary of State.

Rule 305 requires that pollution levels be determined by sampling stations beyond the premises on which a source is located. These stations will be established in conformance with the guidelines developed by the National Air Pollution Control Administration.

Rule 306 requires that all measures of air quality be corrected to a reference temperature of 25°C, and to a reference pressure of 760 millimeters of mercury (1013.2 millibars).

Rule 307 sets the primary and secondary ambient air quality standards for particulates and defines the measurement method.

Rule 308 sets the primary and secondary ambient air quality standards for sulfur oxide and defines the measurement period.

Rule 310 sets the ambient air quality standards for carbon monoxide and defines the measurement method.

Rule 311 sets the ambient air quality standards for nitrogen dioxide and defines the measurement method.

The following Illinois regulations were adopted March 26, 1975:

Amendments to Rule 103(i) were added exempting certain types of equipment which constitute only minor sources of air pollution from the requirement of an operating permit.

Rule 205(c) which regulates emissions of uncontrolled organic material emitted to the atmosphere from effluent water separators receiving 200 or more gallons per day of organic material from any

equipment processing, refining, treating, storing or handling organic material was amended by deleting Rule 205(c)(2)(B).

Rule 206(c) which sets carbon monoxide emission standards and limitations from petroleum and petrochemical processes was relaxed by adding Rule 206(c)(2) and (3).

The following Illinois regulation was adopted on September 4, 1975:

Rule 204(f)(1) which sets sulfur dioxide standards and limitations for process emission sources was changed. It relaxes sulfur dioxide emissions standards for hydrogen sulfide flares at chemical manufacturing plants.

The following Illinois regulation was adopted on September 29, 1975:

Rule 205(f)(2)(D) which exempts any owner, operator, user or manufacturer of paint, varnish, lacquer, coatings or printing ink whose Compliance Program and Project Compilation Schedule provides for the reduction of organic material used in such processes to 20 percent or less of total volume by May 30, 1975, from the requirements of Rule 205(f) which prohibits the discharge of more than 8 pounds per hour of organic material into the atmosphere was changed.

The following Illinois regulation was adopted on November 23, 1977:

Rule 203(d)(9) which exempts certain small iron melting air furnaces located in Hoopeston, Vermilion County, Illinois from Rules 203(b) and 203(c) if certain conditions are met was added.

The following Illinois regulations were adopted on December 8, 1977:

Rule 201 defines Polybasic Organic Acid Partial Oxidation Manufacturing Process as any process involving partial oxidation of hydrocarbons with air to manufacture polybasic acids or their anhydrides, such as maleic anhydride, phthalic anhydride, terephthalic acid, isophthalic acid, or trimellitic anhydride.

Rule 206(h) which regulates the emission of gases containing carbon monoxide from polybasic organic acid partial oxidation manufacturing processes was added.

The following Illinois regulations were adopted on March 30, 1978:

Rule 201 defines coal refuse as waste products of coal mining, cleaning, and coal preparation operations containing coal, matrix material, clay and other organic and inorganic material.

Rule 207(a) was amended to incorporate two new provisions: Rule 207(a)(4) sets nitrogen oxide emission standards and limitations for new fuel combustion emission sources firing solid fossil fuel with actual heat input equal to or greater than 250 million btu per hour.

Rule 207(a)(5) sets nitrogen oxide emission standards for new fuel combustion emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels with actual heat input equal to or greater than 250 million btu per hour.

EPA is today approving the incorporation of these regulations and/or amendments thereto without prior proposal. The public should be advised that this action will be effective September 10, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date withdrawing the final action and beginning a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

This regulation is exempt from the office of Management and Budget review under section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions 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.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7407).)

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS.

1. Section 52.720 is amended by revising the introductory text of paragraph (c) (16) to read as follows:

§ 52.720 Identification of plan.

* * *

(c) * * *

(16) On April 4, 1979, the State submitted its draft nonattainment area plan for all areas designated

nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained a request for extensions of the statutory attainment deadline for CO and O₃. The submittal also included a vehicle emission inspection and maintenance program and a new source review plan. Although the State submittal also included the following provisions, U.S. EPA is taking no action to include them in the federally approved SIP at this time: the portions of Rules 101, 103 and 105 relating to the provisions addressing malfunctions, general requirements of the Clean Air Act which are not Part D requirements, and the provisions covering open burning, mobile source emission standards, diesel locomotive emission standards, sulfur dioxide emissions for certain fuel combustion sources located outside major metropolitan areas, compliance dates for organic emission limitations, particulate emissions from low carbon waste incinerators, and adoption of Federal New Source Performance Standards. In addition, U.S. EPA is not rulemaking at this time on those portions of the following rules which contain specified changes made between the publication of the notice of proposed rulemaking and the final rulemaking action:

[FR Doc. 82-18717 Filed 7-9-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 2121-6]

Approval and Promulgation of Implementation Plan—Kentucky: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 6, 1979, the Kentucky Division of Air Pollution Control submitted numerous revisions to the State's implementation plan. EPA has conditionally approved the revisions which were submitted to satisfy the requirements of Part D of Title I of the Clean Air Act (CAA) for nonattainment areas. EPA today announces final approval of the remaining revisions in this submittal.

EFFECTIVE DATE: This action will be effective on September 10, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be

examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street SW., Washington, D.C. 20460
Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, NE., Atlanta,
Georgia 30365
Library, Office of the Federal Register,
1100 L Street NW., Room 8401,
Washington, D.C. 20005
Kentucky Department for Natural
Resources and Environmental
Protection, Division of Air Pollution
Control, 18 Reilly Road, Bldg. 2, Fort
Boone Plaza, Frankfort, Kentucky
40601.

FOR FURTHER INFORMATION CONTACT:

Ms. Denise W. Pack, Air Programs
Branch, EPA Region IV, at the above
address, telephone 404/881-3286 (FTS
257-3286).

SUPPLEMENTAL INFORMATION: On May 13, 1972 (37 FR 10842), EPA approved Kentucky's State Implementation Plan (SIP) as submitted on February 8, 1972. On June 6, 1979, the Kentucky Department for Natural Resources and Environmental Protection adopted numerous revisions in its implementation plan and air pollution control regulations. Public hearings were conducted on the revisions on January 9, 10, April 16, and June 7, 1979. The revisions were submitted to EPA on June 29, 1979. EPA has already given conditional approval to the revisions which were submitted to satisfy the requirements of Part D of Title I of the Clean Air Act (CAA) for nonattainment areas. The non-Part D revisions being approved today deal with the following subjects:

- *General Administrative Procedures*—In this section the State has made minor changes to several definitions; the source sampling methods that have been incorporated by reference; and the procedures for which permit and compliance schedules are approved and enforced.

- *Hazardous Pollutants*—In this section a definition of hazardous air pollutants has been added and the classification dates for all of the pollutants have been changed.

- *New Source Standards and Existing Source Standards*—In this section the State has made numerous minor changes to the New Source Standards which include changes in the opacity limitations and applicability of the standard.

General Standards of Performance—In this section the State has rewritten its

standard for fugitive emissions to make it more stringent and enforceable.

EPA has reviewed these revised regulations and found them to meet all applicable requirements. Therefore, EPA today approves the Kentucky revisions.

The public should be advised that this action will be effective September 10, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two 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 5 U.S.C. Section 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: May 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.920 is amended by adding paragraph (c)(31) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * * * *