using the bubble plan, G.E. can meet the final compliance date of January 1, 1982.

G.E. entered a binding (signed) lease agreement with I.H. on July 8, 1981. G.E. will lease 445 tons per year (TPY) in VOC emission credits from I.H. for the period Januray 1, 1982 to December 31, 1982, and 280 TPY for the period January 1, 1983 to December 31, 1983. In a letter dated June 5, 1981, from G.E. to the Air Pollution Control District of Jefferson County, G.E. certified that production of the plastisoled dishwasher will be discontinued December 31, 1983.

Prior to the termination of the lease agreement with I.H., the company will complete product changes that will reduce VOC emissions to the required level under the Jefferson County Air Pollution Control Board's regulation 6.16 (no more than 15 percent by weight of the VOC net input into the facility). The actual emission reductions necessary for compliance in 1982 are 400 TPY. The bubble includes an additional 45 TPY and this will result in an additional 10 percent reduction in potential VOC emissions. Excess reductions beyond the 10 percent benefit level will ensure compliance in the event of any fluctuations in operations. The 280 TPY leased for 1983 will be applied as necessary to ensure continued compliance. The VOC emission credits necessary for 1983 are dependent upon the degree of phase-out of the VOC emitting processes in 1982. It is expected that the 280 TPY will be in excess of the emission credits necessary for compliance. Compliance for 1983 will be addressed later in 1982, when a better estimate can be made regarding the 1982 phase-out of VOC emitting processes.

Emissions from G.E. and I.H. are being controlled by permit conditions. The I.H. permit numbers and banked emissions for VOC are:

Permit No.	New allowable	Banked emissions
374-80	0 lbs/hr	122 TPY.
20-80	0 lbs/hr	45 TPY.
169-79	0 lbs/hr	303 TPY.
Total		470 TPY.

The G.E. Permit limitations effective January 1, 1982 are:

Permit No.	**Allowable emissions	**Actual emissions	Leased emission credit
*Draft	36.5 lbs/hr (63 TPY)	243.5 lbs/hr (420 TPY)	445 TPY.
*Draft	4.6 lbs/hr (8 TPY)	29.6 lbs/hr (51 TPY)	1/1/82 thru 12/31/82.
Total	71 TPY	471 TPY	445 TPY.

* NOTE.—Permit numbers will be assigned after EPA approval.
** Actual emissions are estimated, based upon present (uncontrolled) emissions and operating rates. Allowable emission rates are based upon compliance with VOC formulation requirements of applicable regulations and operating rates. The final permits, when issued, should include a mechanism for determining compliance of G.E. with the interim emission limits.

Action

EPA is today approving the SIP revision submitted by Kentucky. This is being done without prior proposal because the bubble procedure used in this case is straightforward, noncontroversial, affects only the two companies involved, and no comments are anticipated.

The public should be advised that this revision will be effective 60 days from the date of this notice. However, if notice is received within 30 days from the date of this notice that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action, and establishing a new comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule 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 requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies state actions and imposes no new burden on sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available *only* by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 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.

Incorporation by reference of the State Implementation Plans for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410)

Dated: January 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

In § 52.920, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.920 Identification of plan.

* * * * *

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

(26) Revision to the State Implementation Plan for a bubble action at General Electric, Louisville, Kentucky, submitted on August 7, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 82-725 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1981-2]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In the August 31, 1981, **Federal Register** (46 FR 43704), EPA proposed to approve as a revision to the Michigan State Implementation Plan (SIP) an amendment to Michigan Air Pollution Control Commission Rule 221 which regulates the State's new source review program. The amendment, which was submitted to EPA by the State of Michigan on July 28, 1980, revises the offset requirements placed on proposed new minor sources of total suspended particulates and sulfur dioxide. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 11, 1982.

HeinOnline -- 47 Fed. Reg. 1292 (1982)

ADDRESSES: Copies of the SIP revisions are available for review at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: Section 173 of the Clean Air Act (Act) requires each State to develop a program which will accommodate new source growth and ensure that reasonable further progress is made toward attainment of the National Ambient Air Quality Standards for the areas within the State that have been designated as nonattainment. Such a program is commonly referred to as a new source review (NSR) program.

In the May 6, 1980 **Federal Register** (45 FR 29790), EPA approved Michigan's NSR program which is embodied in Rule 221. The Michigan NSR program is designed to accommodate new source growth through an emissions offset program. Rule 221 requires that emissions from a proposed new major source be offset by a greater than one-to-one decrease in emissions from another source located in the area. For proposed new minor sources which emit either particulate matter or sulfur dioxide, an offset must also be procured.

On July 28, 1980, Michigan submitted to EPA, as a SIP revision, an Amended Rule 221. Amended Rule 221 proposes to exempt proposed new minor sources of particulate matter and sulfur dioxide from the offset requirements.

On August 31, 1981 (46 FR 43704), EPA proposed approval of Amended Rule 221. No public comments were received. EPA, therefore, approves Amended Rule 221.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator, on January 27, 1981 (46 FR 8709), certified that approvals or conditional approvals promulgated pursuant to sections 110 and 172 of the Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to Section 110 of the Act, it falls within this certification. Further, Amended Rule 221 imposes no new regulatory requirements.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's final rulemaking action does not constitute a major regulation because it merely approves a regulation which was developed by the State.

Incorporation by reference of the State Implementation Plans for the State of Michigan was approved by the Director of the Federal Register on July 1, 1981.

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

Dated: December 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph 42 as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

* * * * *

(42) On July 28, 1980, the State submitted an amendment to Michigan Air Pollution Control Commission Rule 221 which exempts minor sources of particulate matter and sulfur dioxide from the offset requirements.

[FR Doc. 82-722 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 65

[EN-9-FRL 2030-2]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Delayed Compliance Orders for Phelps Dodge Corporation, Ajo and Morenci, Arizona Copper Smelters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues Delayed Compliance Orders (DCO) to Phelps Dodge Corporation copper smelters in Ajo and Morenci, Arizona. The Ajo order requires Phelps Dodge to bring air emissions from its Ajo smelter into compliance with the particulate and sulfur dioxide emission limitations in the State Implementation Plan (SIP) by December 31, 1985. The Morenci order requires Phelps Dodge to bring air emissions from its Morenci smelter into compliance with particulate and sulfur dioxide emission limitations in the SIP by January 1, 1985. Compliance with the orders will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order during the period the order is in effect.

EFFECTIVE DATE: January 12, 1982.

ADDRESS: The DCO is available for public inspection and copying during normal business hours at the address below.

FOR FURTHER INFORMATION CONTACT: William D. Wick, Attorney-Advisor, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105 (415) 974-8038.

SUPPLEMENTARY INFORMATION: On October 7, 1981, the Acting Regional Administrator of EPA's Region 9 office published in the **Federal Register** (46 FR 49604) a notice setting forth the provisions of proposed Delayed Compliance Orders for Phelps Dodge Corporation copper smelters at Ajo and Morenci, Arizona. The notice solicited public comments and offered the opportunity to request a public hearing on the proposed DCOs. No public comments were received. No requests for a public hearing were received.

(Secs. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413, 7601))

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

§ 65.70 [Amended]

1. By amending the table in § 65.70, Federal Delayed Compliance Orders issued under sections 113(d) (1), (3), and (4) of the Act, by adding the following entries:

HeinOnline -- 47 Fed. Reg. 1293 (1982)