

MMBTU). Because the strategy is based on these assumptions, a change in either of them would require the strategy to be reexamined to assure that the NAAQS remain protected.

Subsequent to EPA's conditional approval of the Lake County SO₂ plan, NIPSCO informed EPA on April 26, 1982, that the stack height increase for NIPSCO's Mitchell Station could conflict with Federal Aviation Administration Regulations (14 CFR Part 77) and the City of Gary Zoning Ordinances. EPA has examined the potential for conflict and rescinds its approval of the stack height increase at Mitchell Station. EPA's action on the stack height does not affect its approval of Mitchell Station's 1.2 lbs/MMBTU emission limitation.

EPA's March 12, 1982 conditional approval of the Lake County strategy is based on the requirement that the State submit additional data; including a determination that the 24-hour strategy is constraining, a justification of the background level, a revised emission inventory, and an adequate receptor network. Additionally, if in the State's analysis of these additional data the State determines that change in its regulations are necessary, the State has committed itself to revise its regulations and submit them to EPA as a revision to the SIP. Indiana has informed EPA that Lake County currently is being reanalyzed to meet the above conditions. Because the present Mitchell Station stack height may require changes in the Lake County strategy, EPA is adding a condition to its previous conditional approval of the Lake County strategy that the State must address the Mitchell Station stack height in its revised analysis of Lake County. EPA proposed on March 12, 1982 that the Lake County reanalysis is due by November 1982. This proposal is still applicable, and EPA will take final action on the date by which the conditions must be fulfilled in a future *Federal Register* notice. For a discussion of conditional approvals and their practical effect, see 44 FR 38583 (July 2, 1979) and 43 FR 67182 (November 23, 1979).

Because EPA considers today's action noncontroversial, we are approving it today without prior proposal. The action will become effective 60 days from the date of this notice. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, then EPA will publish a notice that (1) withdraws EPA's final action and (2) begins a new rulemaking by proposing the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

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 within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

(Sec. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: August 24, 1982.

John W. Hernandez, Jr.,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Indiana

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

1. Section 52.770 is amended by revising paragraph (c)(19) as follows:

§ 52.770 Identification of plan.

(c) . . .

(19) On June 28, 1979, the Governor submitted a revised sulfur dioxide strategy, including regulation APC 13 with appendix, which was promulgated by the State on June 19, 1979 for all areas of the State. This included the Part D sulfur dioxide regulations for Lake, LaPorte, and Marion Counties. On August 27, 1980 and July 16, 1981 the State committed itself to correct conditionally approved items within their strategy. On October 6, 1980, the State submitted a recodified version of APC 13 which was promulgated by the State on August 27, 1980. This included 325 IAC 7, 325 IAC 1.1-6, 325 IAC 1.1-7-2 and 4, 325 IAC 12-5-1 and 2(a), 325 IAC 12-9-1 and 4, and 325 IAC 12-18-1 and 2. EPA is not taking action on: (1) 325 IAC 7 as it applies to Floyd and Vigo

Counties, (2) the 30-day averaging compliance method contained in 325 IAC 7-1-3, and (3) the Mitchell Station stack height provision in the Lake County SO₂ strategy.

2. Section 52.795 is amended by revising paragraph (e)(1) as follows.

§ 52.795 Control strategy: Sulfur dioxide.

(e) . . .

(1) Lake County—The plan must either contain an acceptable demonstration that the 24-hour standard is the constraining standard or 3-hour and annual attainment analyses must be provided. The plan must justify appropriate SO₂ background levels for all averaging periods. These must be used in all analyses. The plan must contain a complete emission inventory, including process sources. This inventory must be appropriately used in all analyses. Adequate receptor resolution must be used in the attainment analyses. The plan must be based on NIPSCO Mitchell Station's existing stack height. If revisions to the Lake County limitations are necessary, they must be submitted as revisions to the SIP.

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40 CFR Part 61

(AD-FRL-2070-8)

Appendix B; Test Methods; Revised Methods 106 and 107; and Appendix C, Quality Assurance Procedures 1 and 2; Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revised Test Methods 106 and 107 for vinyl chloride were proposed in the *Federal Register* on November 18, 1980 (45 FR 76346). This action promulgates the revised test methods. The intended effect of this action is to require all sources of vinyl chloride specified to conduct emission tests under Subparts A and F of 40 CFR Part 61 to hereafter (see effective date below) use these methods for determining compliance.

Appendix C, Quality Assurance Procedures 1 and 2, was proposed in the *Federal Register* on April 18, 1980 (45 FR 26682). This action promulgates

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