

permit to an applicant with outstanding violations not in the process of being corrected or to an applicant who controls or has controlled operations with a demonstrated pattern of willful violations of SMCRA or any State law required by Pub. L. 95-87 consistent with section 510(c) of the Federal Act. Therefore, the Director approves this program modification.

(3) Chapter 499, Laws of 1983, amends section 82-4-254 of Montana's statute to allow the Department of State Lands (DSL) to waive civil penalties on minor violations if the Department determines that the violation is not of potential harm to public health, safety or the environment or does not impair administration of the Act. The Department cannot implement this provision until it establishes rules to prescribe specific criteria to be used in determining whether or not a violation poses potential harm to the public health, public safety or the environment or threatens to impair administration of the Strip and Underground Mine Reclamation Act. The rules must also establish a procedure for the issuance of waivers which must include a requirement that the Department of State Lands give notice of the violation and waiver to the permittee and place such notice in the permittee's file kept by the Department.

The Director finds that the amendment to section 82-4-254 provides DSL the authority to adopt regulations to allow the Department to waive civil penalties for minor violations.

The modified statutory provision has no practical effect until DSL promulgates implementing regulations. DSL would be required to submit such implementing regulations to OSM for review and approval. Upon receipt of proposed regulations to implement the statutory provision, OSM would review them for consistency with section 518(a) of SMCRA and the penalty waiver requirements under 30 CFR 845. The Director finds that the State's modified statutory provision, as far as it goes, does not conflict with section 518(a) of the Federal Act, and, therefore, approves the amendment.

Public Comment

OSM did not receive any comments on the proposed statutory amendments.

Approval of Amendments

Accordingly, the Montana permanent program is hereby amended to reflect the Director's approval of the statutory amendments submitted to OMS by the State on September 13, 1983.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 926

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 19, 1983.

J. Roy Spradley,

Acting Director, Office of Surface Mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

PART 926—MONTANA

1. 30 CFR Part 926 is amended by adding a new § 926.15 as set forth below:

§ 926.15 Approval of amendments to State regulatory program.

Statutory changes adopted during the 1983 Montana legislative session as listed below are approved effective January 3, 1984.

(a) Section 82-4-237, MCA, amended.

(b) Section 82-4-251(4), MCA, language deleted.

(c) Section 82-4-254, MCA, amended.

[FR Doc. 83-34788 Filed 12-30-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10 FRL 2501-4]

Revision to Alaska State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice EPA approves the Alaska State Implementation Plan (SIP) revision for lead. This revision was adopted to satisfy section 110 of the Clean Air Act, as amended in 1977 (hereinafter referred to as the Act).

EFFECTIVE DATE: March 5, 1984, unless notice is received or postmarked on or before February 2, 1984, that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit, EPA Library, 401 M Street, SW., Washington, DC 20460;

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, Alaska 99811. Copy of the State's Submittal may be examined at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

Comments Should be Addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 532, Seattle, Washington 98101; Telephone: (206) 442-4016, FTS: 399-4016.

SUPPLEMENTARY INFORMATION: On July 19, and August 22, 1983, the State of Alaska, Department of Environmental Conservation (ADEC) submitted drafts of lead SIPs for EPA's review prior to public hearing and adoption. EPA's review comments are contained in a technical evaluation document, which is available at the addresses shown above.

The SIP was adopted with all requested corrections on September 30, 1983 and submitted to EPA on November 15, 1983.

Technical Evaluation

Lead SIP

The requirements for an approvable lead SIP are contained in 40 CFR Part 51 Subpart E. As described in the technical evaluation document, the Alaska SIP satisfies all requirements for standard attainment demonstration, emission data and projections and air quality data and analysis. In addition, the SIP provides for statewide review of all new (greater than 5 tons per year) and modified (greater than 0.6 tons per year) lead sources under its Rules for Permitting New Sources (18 ACC 50.300) previously approved by EPA (48 FR 30623). These rules will ensure that no new violations of the standard will occur and that maintenance of the standard will continue.

Alaska has no significant point sources of lead (i.e., those sources that emit from discrete points rather than from wide areas). Automobiles are the major contributors to lead emission in the State. Federal regulations that limit the lead content of gasoline have resulted, and will continue to result, in a gradual decrease in lead emissions. Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to Federal regulations. Based on those Federal regulations and information about past and projected gasoline sales assuming that lead concentrations decrease proportionally with automotive lead emission, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled Updated Information on Approval and Promulgation of Lead Implementation Plans prepared for EPA Office of Air Quality Planning and Standards, Control Programs Development Division, Research Triangle Park, N.C. If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment year. In 1980 Anchorage had a worst-case quarterly concentration of $2.07 \mu\text{g}/\text{m}^3$. Anchorage's worst-case concentration is less than the critical concentration of $2.40 \mu\text{g}/\text{m}^3$, calculated by EPA for an attainment year of 1983; therefore, EPA concludes that the standard is being and will continue to be attained in Anchorage and the remainder to the State. The national ambient air quality standard is $1.5 \mu\text{g}/\text{m}^3$.

Air Quality Monitoring

The SIP also contains a description of the current statewide lead monitoring network. ADEC is conducting special purpose monitoring to determine if modifications of the lead network are necessary to meet the requirements of 40 CFR Part 58 (Ambient Air Quality Surveillance). Because the special purpose monitoring will not be completed until March 1985, EPA will approve the lead monitoring network with the understanding that it will be modified by July 1985, if appropriate, based on the results of the special purpose monitoring study.

Final EPA Action

Based on evaluation of ADEC's submittal, the Administrator has determined that the Alaska lead SIP revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Alaska SIP.

In addition, the Statewide lead monitoring network is approved as meeting the requirements of 40 CFR Part 58, with the understanding that modifications, based on special purpose monitoring, will be made, if necessary, by July 1985.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under section 110 within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

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

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601).

List of Subjects in 40 CFR Part 52

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

Dated: December 16, 1983.

William D. Ruckelshaus,
Administrator.

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

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is revised to read as follows:

Subpart C—Alaska

Section 52.70, paragraph (c) is amended by adding (10) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(10) On November 15, 1983 the State of Alaska Department of Environmental Conservation submitted a revision to add a lead strategy to the Alaska Implementation Plan.

[FR Doc. 83-34800 Filed 12-30-83; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 2480-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Amendment to the Regulations Governing the Selective Enforcement Auditing of New Gasoline-Fueled and Diesel Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In January and September, 1980, EPA established, via Subpart K of 40 CFR Part 86, an updated Selective Enforcement Auditing (SEA) program for 1984 and later model year heavy-duty engines (HDEs) and light-duty trucks (LDTs). At that time, EPA inadvertently failed to amend Subpart G of 40 CFR Part 86, which also outlined SEA procedures for LDTs, so that it would no longer apply to LDTs. Because Subparts G and K contain slightly different rules governing the procedures for an SEA, confusion could occur as to which rules would apply to the conduct of audits for LDTs. This rule makes it clear that LDTs are eligible solely for the provisions of Subpart K as of the 1984 model year.