rationale for this approval is set forth in this final rule; additional information is available at the address indicated below. In the proposed rules section of this Federal Register, USEPA is proposing approval of and soliciting public comment on this action. If adverse comments are received on this direct final rule. USEPA will withdraw this direct final rule and address the comments received in a subsequent final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. No additional opportunity for public comment will be provided. Unless this direct final rule is withdrawn no further rulemaking will occur on this action.

DATES: This action will be effective October 10, 1995 unless notice is received by September 7, 1995 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the USEPA's analysis are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone Jacqueline Nwia at (312) 886–6081 before visiting the Region 5 Office.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Air Toxics and Radiation Branch, Regulation Development Section (AT–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois, 60604, (312) 886–6081.

## SUPPLEMENTARY INFORMATION:

## I. Background

Pursuant to the 1977 amendments to the Clean Air Act (Act), the States identified and the USEPA designated nonattainment areas with respect to the 0.08 parts per million (ppm) photochemical oxidant National Ambient Air Quality Standard (NAAQS). For such areas, States submitted State Implementation Plans (SIP) to control emissions and achieve attainment of the NAAQS. On December 30, 1977, Michigan submitted an analysis which included, pursuant to section 107(d) of the 1977 Act, designations of areas for photochemical oxidants as nonattainment, attainment,

or unclassifiable. The State concluded that the 37 county area in southern Michigan, which was designated by the State to be the target area for the photochemical oxidants SIP revision and implementation of the Federal Emission Offset Policy (December 21, 1976), should be designated as nonattainment for photochemical oxidants. The nonattainment designations were based on sparse monitoring data from 1974, 1975, and 1976 (monitoring in the Bay, Kent, Genesee, Oakland, Port Huron and Wayne Counties) showing violations of the 0.08 ppm photochemical oxidant NAAQS in those counties, the States' knowledge of volatile organic compound emission sources in the areas and comparison of the areas with other similar monitored areas. These areas were originally designated as nonattainment for photochemical oxidants on March 3, 1978 (43 FR 8962).

On February 8, 1979 (44 FR 8202), the USEPA revised the NAAQS from 0.08 ppm to 0.12 ppm and the regulated pollutant from photochemical oxidants to ozone. On November 8, 1979, Michigan submitted a revised analysis which considered the change in the NAAQS and its affect on designations. The State concluded that changes to the status of the designated nonattainment areas were not warranted and noted that this position would be re-evaluated as more data on rural ozone levels became available. Monitoring data recorded in Bay, Genesee, Kent, Macomb, Muskegon, Oakland, St. Clair and Wayne Counties for 1975-1978 showed violations of the 0.12 ppm NAAQS. The State retained the nonattainment designation for these areas based on the available monitoring data and the remainder of the southern Michigan counties on the basis of their proximity to urban nonattainment areas. The revised analysis and conclusion to retain the prior designations were approved by the USEPA on June 2, 1980 (45 FR 37188).

Under the 1990 amendments to the Act, these areas retained their designation of nonattainment by operation of law pursuant to section 107(d) upon the date of enactment of the Act. Nonattainment areas were further classified based on their monitored design value, pursuant to section 181(a), as marginal, moderate, serious or severe. The nonattainment areas in Michigan were classified as follows: the Detroit-Ann Arbor area, Muskegon area and Grand Rapids area were classified as moderate; the Flint area and Lansing-East Lansing area were classified as nonclassifiable/transitional pursuant to section 185B of the Act, since they had

3 complete years of air quality data demonstrating attainment of the ozone NAAQS for the period 1987–1989; and, the remainder of the nonattainment areas were classified as nonclassifiable/ incomplete data, since ozone monitoring data for these areas was either not available or incomplete. See 56 FR 56694 (November 6, 1991).

## II. Summary of This Action

Section 110(k)(6) of the Act provides the USEPA with the authority to correct designation determinations that it determines were in error. It states:

Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.

Twenty-three counties were designated nonclassifiable/transitional or nonclassifiable/incomplete data. They are: Allegan County (Allegan County), Barry County (Barry County), Battle Creek (Calhoun County), Benton Harbor (Berrien County), Branch County (Branch County), Cass County (Cass County), Gratiot County (Gratiot County), Hillsdale County (Hillsdale County), Huron County (Huron County), Ionia County (Ionia County), Jackson (Jackson County), Kalamazoo (Kalamazoo County), Lapeer County (Lapeer County), Lenawee County (Lenawee County), Montcalm (Montcalm County), Saginaw-Bay City-Midland (Bay County, Midland County, and Saginaw County), Sanilac County (Sanilac County), Shiawassee County (Shiawassee County), St. Joseph County (St. Joseph County), Tuscola County (Tuscola County), and Van Buren County (Van Buren County) as nonattainment nonclassified/incomplete data areas and Flint (Genesee County), and Lansing-East Lansing (Clinton County, Eaton County, and Ingham County) as nonattainment nonclassified/ transitional areas.

The USEPA's June 2, 1980 action approving the retention of the nonattainment designations for 21 of the 23 nonclassifiable areas was in error. That action was based on the State's November 9, 1979 submittal. The USEPA believes that the information submitted by Michigan was inappropriately used to designate 21 of the 23 nonclassifiable areas nonattainment for ozone due to the lack