that period was either too high or too low.

(2) Corrections to Statements of Account will not be placed on record, supplemental royalty fee payments will not be received for deposit, and refunds will not be issued, where the information in the Statements of Account, the royalty fee calculations, or the payments were correct as of the date on which the accounting period ended, but changes (for example, addition or deletion of a signal) took place later.

(3) Requests that corrections to a Statement of Account be placed on record, that fee payments be accepted, or requests for the issuance of refunds, shall be made only in the cases mentioned in paragraph (g)(1) of this section. Such requests shall be addressed to the Licensing Division of the Copyright Office, and shall meet the following conditions:

(i) The request must be in writing, must clearly identify its purpose, and, in the case of a request for a refund, must be received in the Copyright Office before the expiration of 30 days from the last day of the applicable Statement of Account filing period, as provided for in paragraph (c)(1) of this section. A request made by telephone or by telegraphic or similar unsigned communication, will be considered to meet this requirement if it clearly identifies the basis of the request, if it is received in the Copyright Office within the required 30-day period, and if a written request meeting all the conditions of this paragraph (g)(3) is also received in the Copyright Office within 14 days after the end of such 30-day period;

(ii) The Statement of Account to which the request pertains must be sufficiently identified in the request (by inclusion of the name of the owner of the satellite carrier and the accounting period in question) so that it can be readily located in the records of the Copyright Office;

(iii) The request must contain a clear statement of the facts on which it is based, in accordance with the following requirements:

(A) In the case of a request filed under paragraph (g)(1)(i) of this section, where the information given in the Statement of Account is incorrect or incomplete, the request must clearly identify the erroneous or incomplete information and provide the correct or additional information;

(B) In the case of a request filed under paragraph (g)(1)(ii) of this section, where the royalty fee was miscalculated and the amount deposited in the Copyright Office was either too high or too low, the request must be accompanied with an affidavit under the official seal of any officer authorized to administer oaths within the United States, or a statement in accordance with section 1746 of Title 28 of the United States Code, made and signed in accordance with paragraph (e)(14) of this section. The affidavit or statement shall describe the reasons why the royalty fee was improperly calculated and include a detailed analysis of the proper royalty calculation.

(iv)(A) All requests filed under this paragraph (g) must be accompanied by a filing fee in the amount of $15 for each Statement of Account involved. Payment of this fee may be in the form of a personal or company check, or of a certified check, cashier's check or money order, payable to: Register of Copyrights. No request will be processed until the appropriate filing fees are received.

(B) All requests that a supplemental royalty fee payment be received for deposit under this paragraph (g), must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be in the form of a certified check, cashier's check, or money order, payable to: Register of Copyrights. No such request will be processed until an acceptable remittance in the full amount of the supplemental royalty fee has been received.

(v) All requests submitted under this paragraph (g) must be signed by the satellite carrier owner named in the Statement of Account, or the duly authorized agent of the owner, in accordance with paragraph (e)(10) of this section.

(vi) A request for a refund is not necessary where the Licensing Division, during its examination of a Statement of Account or related document, discovers an error that has resulted in a royalty overpayment. In this case, the Licensing Division will forward the royalty refund to the satellite carrier owner named in the Statement of Account without regard to the time limitations provided for in paragraph (g)(3)(i) of this section.

(4) Following final processing, all requests submitted under this paragraph (g) will be filed with the original Statement of Account in the records of the Copyright Office. Nothing contained in this paragraph shall be considered to relieve satellite carriers from their full obligations under Title 17 of the United States Code, and the filing of a correction or supplemental payment shall have only such effect as may be attributed to it by a court of competent jurisdiction.

Dated: February 13, 1989.

Ralph Oman,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 89-4485 Filed 2-27-89; 8:45 am]

BILLING CODE 1410-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3529-7]

Approval and Promulgation of Implementaion Plans; Michigan

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve certain portions and disapprove other portions of the State of Michigan's submittal of revised particulate regulations applicable to iron and steel sources.

On May 22, 1981, USEPA conditionally approved Michigan's overall particulate control strategy for the Wayne County primary nonattainment area with respect to iron and steel sources. The conditional approval was based on a commitment by the State to adopt and submit rules for the iron and steel sources which reflect reasonably available control technology (RACT). These revisions were submitted to satisfy conditions of USEPA's approval of the State's Part D total suspended particulates (TSP) plan which calls for RACT-level emission limits.

USEPA revised the particulate matter standard on July 1, 1987, (52 FR 24634) and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM_{10}). However, at the State's option, EPA is continuing to process SIP revisions which were in process at the time the new PM_{10} standard was promulgated. In the policy, published on July 1, 1987, (p. 24679, column 2), USEPA stated that it would regard existing TSP SIPs as necessary interim particulate matter plans during the period preceeding the approval of State plans specifically aimed at attaining the PM_{10} national ambient air quality standards (NAAQS).

DATE: USEPA must receive comments on or before May 1, 1989.

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ADDRESSES: Written comments on this revision and on the proposed USEPA action should be sent to: (Please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision are available at the following addresses for review (it is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037), before visiting the Region V office):

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, Stevens T. Mason Building, 530 West Allegan, Lansing, Michigan 48909.

FOR FURTHER INFORMATION CONTACT: Ms.Toni Lesser, Michigan Regulatory Specialist, (312) 886-6037.

SUPPLEMENTARY INFORMATION:

Background

On April 25, 1979, the State of Michigan submitted a portion of its revised State Implementation Plan (SIP) to USEPA to satisfy the requirements of Part D of the Clean Air Act (CAA). The submittal included the State's proposed control strategy to attain the TSP NAAQS in areas designated nonattainment for the TSP pollutant.

On August 13, 1979 (44 FR 47350), USEPA published a notice of proposed rulemaking for Michigan's particulate SIP but did not discuss or solicit public comments on the State's strategy for controlling particulate emissions from iron and steel sources. On May 6, 1980 (45 FR 29802), USEPA published a notice of final rulemaking which took no action on the control strategy for particulates in those areas which were designated nonattainment for TSP and contained iron and steel sources.

On September 9, 1980 (45 FR 59329), USEPA published a notice of proposed rulemaking that identified deficiencies in Michigan's strategy for iron and steel sources and requested a schedule for correcting the noted deficiencies.

On May 22, 1981 (46 FR 27923), USEPA published a notice of final rulemaking which conditionally approved 14 elements of Michigan's Part D TSP SIP, consisting of an overall TSP control strategy for the Wayne County primary nonattainment area with respect to iron and steel sources. The conditional approval was based, in part, on a commitment by the State to adopt and submit additional or revised rules that reflect RACT for certain iron and steel sources. RACT-level emission limits and, in some cases, enforeability revisions or clarifications, were required for full USEPA approval. In addition, USEPA's May 22, 1981, final rulemaking action disapproved Michigan's Rule 336.1331, Table 31, Item C for: (1) Open Hearth Furnaces, (2) Basic Oxygen Furnaces, (3) Electric Arc Furnaces, (4) Sintering Plants, (5) Blast Furnaces, and (6) Heating and Reheating Furnaces.

On May 10, 1984, and May 24, 1984, the State of Michigan submitted draft regulations to USEPA containing proposed revisions to the iron and steel particulate regulations. The submittal of May 10, 1984, contained proposed iron and steel particulate revisions for Parts 1, 3, and 10 of Michigan's Administrative Rules governing air pollution control (Act 348 of 1967, as amended) applicable to iron and steel sources.

The submittal of May 24, 1984, contained additional proposed revisions to the iron and steel regulations and also included proposed new source review (NSR) and volatile organic compound (VOC) rule revisions. USEPA will take action on the proposed NSR and VOC regulations in a separate rulemaking action.

On May 17, 1985, the State of Michigan submitted final rules for the control of particulate matter from iron and steel sources. These revised rules were effective at the State level on February 22, 1985. The majority of the revisions in the May 17, 1985, submittal were in response to USEPA's conditional approval elements which relate to the State's commitments to correct the deficiencies and adopt emission limits that represent RACT for iron and steel sources in particulate nonattainment areas.

Historically, USEPA reviewed previous drafts of the revisions to the iron and steel regulations prior to the State's May 1984 draft submittal and provided the State with comments, recommendations and guidance in letters dated June 23, 1983, July 8, 1983, August 31, 1983, March 7, 1984, March 8, 1985 and January 2, 1986. USEPA's technical review of Michigan's May 10, 1984, and May 24, 1984, draft revisions and May 17, 1985, final submittal are contained in technical support documents (TSD's) dated August 5, 1984, September 5, 1984, September 26, 1984, September 5, 1985 and December 26, 1985. In addition, a discussion of USEPA's revised particulates matter standard is provided at the end of this notice.

Presented below is a summary of USEPA's final rulemaking (FR) action of May 22, 1981 (46 FR 27923), the State of Michigan's interim rulemaking actions, and USEPA's proposed rulemaking (PR) action which is the subject of today's notice.

General Provisions

Michigan submitted new and modified rules 336.1101; 336.1103; 336.1106; 336.1116; 336.1119; and 336.1122. These are definition rules which may also be applicable to VOC and NSR sources. The State incorporated USEPA recommendations into the May 17, 1985, revised SIP submittal. As a result, USEPA proposes to approve the following definitions exclusively as they apply to iron and steel sources.

R336.1101—USEPA proposes to approve definitions "A"

R336.1103—USEPA proposes to approve definitions "C"

R336.1106—USEPA proposes to approve definitions "F"

R336.1116—USEPA proposes to approve definitions "P"

R336.1119—USEPA proposes to approve definitions "S"

R336.1122—USEPA proposes to approve definitions "V"

Rule 336.1301—General Opacity

FR Action: USEPA's May 21, 1981, notice approved Michigan's Rule 336.1301 as it applies to iron and steel sources, since the rule together with approvable mass emission rules was believed to be acceptable as RACT.

Michigan's current federally-approved SIP with respect to opacity limits represents RACT for the process source categories of: lime plants, grain terminals, gray iron foundries, steel foundries, secondary metal processing plants, ferroalloy production, and galvanizing plants. Under Michigan's existing opacity SIP, any instantaneous reading over 40 percent is a violation. In addition, an aggregate of 13 readings in an hour over 20 percent is a violation.

State Action: On May 17, 1985, Michigan submitted a revised R336.1301 which applies to all industrial sources including iron and steel sources for which there are no specific opacity limitations provided for in Michigan Rules 336.1351 through 336.1367. Revised R336.1301, Subrule (1) proposes an opacity limit of 20 percent (6-minute average) with one 6-minute average per hour up to 27 percent opacity.

PR Action: USEPA proposes to disapprove the revised version of Michigan's Rule 336.1301, because it is a relaxation from the present SIP for intermittent and short-term non-stack

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source emissions which cannot be mass-tested by USEPA-approved methods. In addition, the State of Michigan failed to demonstrate that such a relaxation will not cause or contribute to violation of the NAAQS for particulate matter.

The current federally-approved SIP is Michigan's Rule 336.1301, which states that visible emissions are not to exceed 20 percent opacity at any time except for 3 minutes per hour, and then not to exceed 40 percent opactity, would continue to apply to stack and non-stack process sources.

Rule 336.1331—Emission of Particulate Matter

FR Action: USEPA's May 21, 1981, notice took action disapproving specific emission limitations contained in Tables 31 and 32 of R336.1331.

State Action: Michigan revised R336.1331 but did not incorporate USEPA's recommended emission limits for various elements. Revised R336.1331 contains a particulate matter emissions schedule for the following categories:

Fuel Burning Equipment
Incinerators
Steel Manufacturing
Ferrous Cupola Foundry Operations
Chemical and Mineral Kilns
Asphalt Paving Plant
Cement Manufacture
Iron Ore Pelletizing
Fertilizer Plants
Exhaust Systems (serving material handling equipment not listed in R336.1331, Table 31)

PR Action: USEPA is today proposing to approve portions and disapprove other portions of Michigan's revised Rule 336.1331. USEPA proposes to disapprove the rule with respect to the argon-oxygen decarburization (AOD), basic oxygen furnace (BOF) secondary control devices, hot metal transfer (HMT) operations and hot metal desulfurization (HMD) operations, because the State has not demonstrated the emission limits to be RACT. USEPA recommends the following mass limitations or their equivalent be included in Table 31:

BOF secondary control devices, 0.010 gr/dscf *
HMT operations, 0.010 gr/dscf
HMD operations, 0.010 gr/dscf
AOD secondary control devices, 0.005 gr/dscf

EPA will approve an alternate RACT determination as long as the State shows that they will satisfy CAA RACT requirements based on adequate documentation in the Economic Technical Feasibility Study.

Rule 336.1331—Table 31, Item C

1. Open Hearth Furnaces

FR Action: USEPA disapproved the State's proposed emission limitation for open hearth furnaces which changed the State limit from 0.15 pounds of particulate per 1,000 pounds of gas to 0.10 pounds of particulate per 1,000 pounds of gas because this limit was still less stringent than RACT.

State Action: Michigan deleted this limitation.

PR Action: USEPA proposes approval of Michigan's revised emission limitation deletion, because none of these sources exists in Michigan. If any new sources develop they will fall under new source review which would require emission to be conrolled to a RACT level or better.

2. Basic Oxygen Furnaces

FR Action: USEPA disapproved the State's proposed emission limitation for basic oxygen furnace primary and secondary emissions. Michigan proposed to decrease allowable emissions from 0.15 pounds of particulate per 1,000 pounds of gas (0.078 gr/dscf) to 0.10 pounds of particulate per 1,000 pounds of gas (0.053 gr/dscf). This new limit was determined to be still less stringent than RACT.

State Action: Michigan decreased its limits to 0.057 lbs. particulate per 1000 lbs. of gas at the outlet of the primary control device and 0.038 lbs. of particulate per 1000 pounds of gas at the outlet of the secondary control device.

PR Action: While USEPA proposes approval of Michigan's revised emission limit for BOF primary control devices, USEPA is today proposing disapproval of its revised emission limit for secondary control devices, because Michigan has failed to provide a RACT level limit for BOF secondary control devices. USEPA has determined RACT for this source to be 0.020 lbs. of particulate per 1000 lbs. of flue gas (0.10 gr/dscf). USEPA has provided Michigan with his determination in its guidance to the State.

3. Electric Arc Furnaces

FR Action: USEPA disapproved the State's proposal to revise the emission limitation for electric arc furnaces from 0.15 pounds of particulate per 1,000 pound of gas (0.078 gr/dscf) to 0.10 pounds of particulate per 1,000 pounds of gas (0.053 gr/dscf). USEPA recommended that the State adopt a limit of 0.005 to 0.030 gr/dscf of gas from electric arc furnace primary control devices. USEPA also recommended RACT level outlet concentrations for secondary control devices of between 0.005 and 0.020 gr/dscf.

State Action: Michigan revised the emission limit for electric arc furnaces to reflect mass emission limits of 0.057 lbs. particulate/1000 lbs gas (0.03 gr/dscf) at primary control devices and 0.010 lbs/1000 gas (0.005 gr/dscf) from secondary control devices.

PR Action: USEPA is today proposing approval of both these revised limitations.

4. Sintering Plants

FR Action: USEPA disapproved Michigan's R336.1331 with respect to Sintering Plants on May 21, 1981 (46 FR 27923), leaving the existing federally-approved emission limitation for sintering plants at 0.20 pounds of particulate per 1,000 pounds of gas (0.10 gr/dscf).

State Action: Michigan submitted a revised Rule 336.1331 with a mass emission limit of 0.125 pounds of particulate per 1,000 of exhaust gas for the Great Lakes Steel (GLS) sinter plant. This limit is contained in Table 31 of R336.1331. GLS has the only sinter plant in the State of Michigan. This submittal represents a site-specific RACT determination by the State of Michigan for the GLS sinter plant. The emission rate of 0.125 lb/1000 lbs of exhaust gas represents a combined limit for the windbox and discharge end emissions on existing control equipment. USEPA's RACT guideline levels for these sources for 0.067 and 0.038 lbs/1000 lbs flue gas for the windbox and discharge end, respectively. The State indicated that USEPA's suggested RACT limits for sinter plant sources are not appropriate because of the design and operation of the GLS sinter plant. The discharge end gases are recycled to the sinter strand which necessitates the need for a combined (windbox and discharge) limit. The State submitted justification to USEPA to support the proposed RACT limit of 0.125 lb/1000 flue gas. The justification was prepared in accordance with guidance provided by USEPA, Region V.

PR Action: USEPA has reviewed the State of Michigan's submittal for a sinter plant site-specific RACT determination (Rule 336.1331) and is today proposing approval of a particulate mass emission limit of 0.125 pounds of particulate per 1000 pounds of exhaust gas, which a combined windox and discharge limit for the GLS sinter plant. USEPA believes the State has supplied an adequate demonstration that this limit represents RACT for this source.

* 1.0 gr/dscf (grains per dry standard cubic foot) = approximately 0.53 lb/1000 lb. F.G. (flue gas)

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5. Blast Furnaces

FR Action: USEPA disapproved Michigan's proposed retention of its old 0.15 pounds of particulate per 1,000 pounds of flue gas (0.078 gr/dscf) emission limitation for blast furnaces, citing data in the rulemaking docket (that was collected by USEPA) to support a 0.02 lb particulate/1000 pounds of gas (0.01 gr/dscf) emission limit for casthouse cleaning devices.

State Action: Michigan adopted a 0.02 lb. particulate/1000 lbs. of gas emission limitation for casthouse air cleaning devices.

Proposed Action: USEPA proposes approval of this limitation.

6. Heating and Reheating furnaces

FR Action: USEPA disapproved Michigan's proposed retention of its 0.30 lb. particulate/1000 lbs. of gas (0.16 gr/dscf) emission limitation for heating and reheating furnaces, citing data (collected by USEPA) in the rulemaking docket to support a limit of no greater than 0.02 lb. particulate/1000 lb. of gas (0.01 gr/dscf).

State Action: Michigan deleted the 0.30 lb. particulate/1000 lb. of gas emission limitation and failed to replace it with any limitation for heating and reheating furnaces.

Proposed Action: USEPA proposes to approve this deletion for Part D purposes because the opacity limitation of R336.1301 as currently federally-approved would ensure RACT-level control. Likewise, the proposed revision to the limitation of R336.1301, that USEPA elsewhere in this notice is proposing to approve for stack sources, would ensure RACT-level control.

7. Coke Oven Coal Preheater Equipment

FR Action: USEPA conditionally approved the State's proposed emission limitation of 0.045 pounds of particulate per ton of coal fed to the coke oven preheater equipment, based on the State's commitment to clarify the test method.

State Action: Michigan deleted the emission limitation for coke oven coal preheater equipment pursuant to discussions with USEPA on this issue.

PR Action: Since the only subject source, which is owned by Detroit Coke Corporation, has been shut down and will require a new permit to commence operation; USEPA proposes to approve deletion of this rule, provided any operating permit issued for this source type is submitted as a SIP revision.

Rule 336.1349—Coke Oven Compliance Dates

FR Action: USEPA conditionally approved R336.1349, which requires all facilities subject to Rules 336.1350 through 336.1357 to achieve compliance as expeditiously as practicable, based on the State's commitment to submit consent order containing enforceable increments of progress for each coke oven operated in the State of Michigan.

State Action: The state submitted a revised rule requiring compliance by December 31, 1982.

PR Action: USEPA proposes approval of this rule. The post-1982 compliance timeframe makes the issue moot, since R336.1349 requires that all sources be in compliance not later than December 31, 1982.

Rule 336.1350—Emissions from Larry-Car Charging of Slot-Type Coke Ovens

FR Action: USEPA conditionally approved R336.1350, based on the State's commitment to submit an acceptable test method. Michigan's Rule 336.1350 prevents Larry-car, charging hole, or leveling door visible emissions, except for periods aggregating 80 seconds during and 4 consecutive charging periods on a coke battery.

State Action: Michigan established Test Method 9B to determine compliance and changed the emission aggregating time to 100 seconds.

PR Action: USEPA proposes approval of the rule, since it fulfills the minimum requirement to achieve RACT level control.

Rule 336.1351—Charging Hole Emissions from Slot-Type Coke Ovens

FR Action: USEPA took no action.

State Action: Michigan established its Test Method 9B to determine compliance with this rule.

PR Action: USEPA proposes approval of this rule.

Rule 336.1352—Pushing Emission from Slot-Type Coke Ovens

FR Action: USEPA conditionally approved R336.1352, based on the State's commitment to correct the deficiencies noted by USEPA. Michigan's Rule 336.1352 prevents the discharge from any opening between the oven and the coke-receiving car of any visible air contaminant of a density of more than 40 percent opacity, except that one pushing operation in any eight consecutive pushing operations can exceed this requirement. The regulation also provides that visible air contaminants of a density of more than 40 percent opacity may not be discharged from the coke in any coke-receiving car, as it travels from the oven to the quench tower, except that the emissions from one out of every eight trips to the quench tower can exceed this requirement.

In addition, R336.1352 only limits the opacity of pushing emissions from any opening between the oven and the coke receiving car. The emissions from the car itself during the pushing operations needed to be regulated.

State Action: Michigan established its Test Method 9B to determine compliance with the rule and revised its visible emission limits to 25 percent opacity to comply with subsequent USEPA guidance.

PR Action: USEPA proposes disapproval of this rule because Test Method 9B is not approvable for coke pushing in its present form. Test Method 9B as it applies to coke pushing is discussed elsewhere in this notice under R336.2013.

Rule 335.1353—Standpipe Assembly Emissions During Coke Cycle from Slot-Type Coke Ovens

FR Action: USEPA conditionally approved R336.1353, based on the State's commitment to clarify the source definition and adopt an acceptable test method. Michigan R336.1353 prevents visible emissions from a standpipe assembly during a coking cycle except that visible emissions may be emitted from a number of standpipe assembly points on a coking cycle not to exceed four percent of all standpipe assembly emission points on the coke battery.

State Action: Michigan established its Test Method 9B to determine compliance with this rule.

PR Action: USEPA proposes approval of this rule because Test Method 9B is approvable as it applies to coke oven standpipes. The definition is clarified in Test Method 9B, specifically R336.2031, Rule 1031 (d)(c)(v).

Rule 336.1354—Standpipe Assembly Emissions during Decarbonization from Slot-Type Coke Ovens

FR Action: USEPA approved Michigan Rule 336.1354. This regulation prohibits visible air contaminants from any open standpipe lid of a density of more than 20 percent opacity except for the first 2 minutes of the decarbonization period. Moreover, it prohibits any standpipe lid to be open for decarbonization on any oven which is more than three ovens ahead of the oven being pushed.

State Action: Michigan revised this rule subsequent to the May 22, 1981, final rulemaking, deleting the visible emission limitation for standpipe emissions.

PR Action: USEPA proposes to approve this rule because RACT-level control is assured by R336.1353 which limits the percentage of leaking standpipe assemblies of ovens on the

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coking cycle and by R336.1354 which, as revised, still prohibits standpipe lids to be open for decarbonization on any oven which is more than three ovens ahead of the oven being pushed.

Rule 336.1355—Coke Oven Gas Collector Main Emissions from Slot-Type Coke Ovens

FR Action: USEPA approved Michigan's Rule 336.1355. This regulation prevents visible emissions from coke oven gas collector mains.

State Action: This rule was subsequently modified to exempt the times when spooning the main or when the emergency relief valve opens.

PR Action: USEPA proposes to approve this rule.

Rule 336.1356—Coke Oven Door Emissions from Slot-Type Coke Ovens and Doors Which are Five Meters or Shorter

FR Action: USEPA conditionally approved R336.1356, based on the State's commitment to amend the rule to specify an acceptable complianced test methodology. This regulation controls emissions from coke oven doors by limiting the number of leaking doors per battery.

State Action: Michigan established Test Method 9B to determine compliance with this rule.

PR Action: USEPA proposes to approve this rule as RACT.

Rule 336.1357—Coke Oven Door Emissions from Slot-Type Coke Ovens and Doors which are Taller than Five Meters

FR Action: USEPA conditionally approved R336.1357, based on the State's commitment to amend the rule to specify an acceptable compliance test methodology. This regulation controls emissions from coke oven doors by limiting the number of leaking door per battery.

State Action: Michigan established test method 9B to determine compliance with this rule.

PR Action: USEPA proposes to approve this rule as RACT.

Rule 336.2001–2004—General Testing Methodology

FR Action: USEPA conditionally approved R336.2001, R336.2002, R336,2003, and R336.2004, based on the State's commitment to provide clarification of the test methodology.

State Action: The State has separated the test methodologies previously under this rule. The clarification issues will be discussed later in this notice under Michigan's Rule 336.2010–2014, which are comprised of these conditionally approved methodologies.

PR Action: USEPA proposes approval of these regulations.

Intermittent Testing and Sampling

Michigan's revised Rules 336.2010; 336.2011; 336.2012; 336.2013; 336.2014; 336.2021; 336.2030; 336.2031; 336.2032; and 336.2033 relate to testing and sampling methodologies for particulates.

USEPA today proposes approval of Part 10 of Michigan's May 17, 1985, submittal with respect to intermittent testing and sampling, with the exception of Rules 336.2013 and R336.2031 (relating to pushing emissions) which USEPA is today proposing to disapprove for the reasons discussed below.

Rule 336.2013

USEPA proposes disapproval of Michigan's Rule 336.2013 because the State failed to clearly establish the appropriate testing interval for mass testing of coke battery pushing control systems. In addition, Michigan's R336.2013 contains language which defines a cycle of operation for coke battery pushing emission control as commencing when the coke guide and snorkels are engaged. Pushing mass emission testing in other States most always commences upon the first movement of coke. Use of Michigan's language allows a longer test period which includes an undetermined period (during which clean air is blown through the system) over which one of more samples could be drawn. This could result in test results which are inordinately low and not representative of system operation. Revision of this rule to require sampling commencement upon the first movement of coke would be consistent with past Michigan testing practices.

Rule 336.2031

USEPA proposes disapproval of Michigan's R336.2031 because the State failed to clarify that readings during travel are included in the determination of average opacity during coke pushing. During pushing, the average of six reading should include readings during travel. Michigan defines "pushing" to only include the actual pushing of coke; "travel" is accounted separately and has its own data reduction provisions. The rule, as written, is vague. Further, when asked the interpretation of the rule, Wayne County also interpreted it to require readings during travel.

A 60-day public comment period is being provided on this notice of proposed rulemaking. Public comments received on or before May 1, 1989 will be considered in USEPA's final rulemaking action. If during the comment period, the State of Michigan submits a commitment and an approvable schedule for correcting the SIP deficiencies noted above, USEPA may repropose rulemaking action on the present submission rather than go to final rulemaking in accordance with ths proposal.

Under Executive Order 12291, this action is not "Major". It has been submitted to the Office of Management and Budget for review.

Pursuant to the provision of 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities because it affects only iron and steel sources for the Wayne County primary nonattainment area.

List of Subjects in 40 CFR Part 52:

Air pollution control, Particulate matter, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: April 1, 1986.

Valdas V. Adamkus,

Regional Administrator.

Note.—This document was received by the Office of the Federal Register February 23, 1989.

[FR Doc. 89–4598 Filed 2–27–89; 8:45 am]

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40 CFR Part 85

[AMS FRL-3529-8]

Motor Vehicle Emissions Control System Performance Warranty Short Tests—Alternative Test Procedures

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On December 23, 1988, EPA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** that would establish an alternative loaded-mode test procedure for inclusion in the Emission Control System Performance Warranty Short Tests of 40 CFR Part 85, Subpart W. The alternative procedure consists of test and dynamometer specifications that could be substituted for those contained in the present regulations for the loaded-mode portion of the Loaded Test. The Agency is extending the comment period on this proposal in response to a request from the motor vehicle industry.

DATES: Comments on the rulemaking action should be submitted to the

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