

OSHA will expect these divers to be scientists in training. This interpretation is amply supported by descriptions in the rulemaking record of the personnel who participate in scientific dives (e.g., Ex. 4: 2, Ex. 5: 34; 72; 153, Exs. 20, 21, 25).

For example a project with the purpose of scientific study requires mapping segments of the ocean floor. The project might hire commercial divers to undertake certain mapping tasks. These commercial divers are neither scientists nor scientists in training as prescribed by this guideline and, therefore, would not be eligible for exemption. If, however, as a part of a scientific project, scientific expertise is needed to effectively accomplish data gathering tasks associated with mapping (e.g., specialized geological knowledge), then such diving meets this particular criterion.

### 5. Conclusion

In conclusion, OSHA will scrutinize, in conjunction with the exemption criteria as specified in the Final Rule, seemingly close cases using the following interpretive guidelines, all of which must be met for diving to qualify as scientific.

1. The Diving Control Board consists of a majority of active scientific divers and has autonomous and absolute authority over the scientific diving program's operations.

2. The purpose of the project using scientific diving is the advancement of science; therefore, information and data resulting from the project are non-proprietary.

3. The tasks of a scientific diver are those of an observer and data gatherer. Construction and trouble-shooting tasks traditionally associated with commercial diving are not included within scientific diving.

4. Scientific divers, based on the nature of their activities, must use scientific expertise in studying the underwater environment and, therefore, are scientists or scientists in training.

### Public Participation

UBCJ and other interested parties are invited to submit affidavits concerning the Union's membership and the diving work that membership performs.

Additionally, OSHA will accept affidavits or other comments concerning the interpretive guidelines in this notice.

These affidavits and comments must be received by August 17, 1984, and submitted in quadruplicate to the Docket Office, Docket H-103S, U.S. Department of Labor, Occupational Safety and Health Administration, Room S6212, 200

Constitution Avenue, NW., Washington, D.C. 20210.

The data, views and arguments will be available for public inspection and copying at the above address. All timely submissions will be made a part of the record.

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

### Lists of Subjects in 29 CFR Part 1910

Occupational safety and health, Safety.

Patrick R. Tyson,  
Deputy Assistant Secretary.

[FR Doc. 84-18963 Filed 7-17-84; 8:45 am]  
BILLING CODE 4510-26-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OAR-FRL-2627-2]

### Michigan; Approval and Promulgation of Implementation Plans

**AGENCY:** U.S. Environmental Protection Agency (EPA).

**ACTION:** Proposed Disapproval.

**SUMMARY:** EPA is proposing to disapprove a revision to the Michigan State Implementation Plan (SIP) for the General Motors Corporation (GMC) Central Foundry Division's Saginaw Malleable Iron Plant. The revision consists of an amended total suspended particulate (TSP) control program under State Consent Order No. 08-1983 for the Central Foundry Division oil quench units. Consent Order No. 08-1983 is a revision to the control program in a federally approved State Consent Order No. 06-1980. EPA's proposed disapproval of Consent Order No. 08-1983 is based on, among other things, (1) the Agency's policy which requires concurrent mass/opacity tests as part of a justification for approval of alternative opacity limits and (2) lack of an updated air quality demonstration that attainment of the National Ambient Air Quality Standards (NAAQS) for particulates will not be jeopardized in Saginaw.

**DATE:** EPA must receive comments on or before August 17, 1984.

**ADDRESS:** Written comments should be sent to:

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental

Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Please submit an original and three copies if possible. You may inspect copies of the submittal and EPA's evaluation during normal business hours at:

U.S. Environmental Protection Agency, Air and Radiation 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 48821

**FOR FURTHER INFORMATION CONTACT:** Tom Lesser, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 885-6037

**SUPPLEMENTARY INFORMATION:** On July 27, 1983, the State of Michigan submitted Consent Order No. 08-1983 for the GMC Central Foundry Division's Saginaw Malleable Iron Plant, as a revision to the Michigan SIP for TSP. The foundry is located in Saginaw County.

Consent Order No. 08-1983 amends control strategy provisions of a previous State Consent Order and alteration thereto (APC No. 06-1980), submitted to EPA on November 18, 1982, and approved on August 15, 1983 (48 FR 36818). Specifically, Consent Order No. 08-1983 relaxes the requirements of the previous federally approved Consent Order No. 06-1980 as they apply to the six oil quench facilities at the plant.

The previously approved Consent Order and its alteration (APC No. 06-1980) contain the provisions applicable to the oil quench facilities (For a detailed review, see EPA's Technical Support Document (TSD) of March 7, 1983). The previous Consent Order (APC No. 6-1980) was designed to contribute emission reductions sufficient to deliver Saginaw County from nonattainment by July 1985. This federally approved order:

- Establishes a mass particulate limit of 0.10 pounds per 1,000 pounds exhaust gases for direct oil quench (DOQ) units 1, 2, and 3 with a final compliance date of January 1, 1982.

- Establishes an interim mass particulate limit of 0.16 pounds per 1000 pounds exhaust gases for harden quench draw (HQD) units 1, 2, and 3, applicable from January 1, 1982, to December 15, 1983, and a final particulate limit of 0.10 lb per 1000 lb to be achieved by December 15, 1983.

- Requires the company to submit to the State agency by May 1, 1982, a control plan and compliance schedule for limiting visible emissions from all oil quench units to comply with Michigan Rule 336.1301.

- Extends the final date of compliance with Michigan's Rule 336.1301 for opacity on all oil quench facilities from December 31, 1982, to December 15, 1983.

The current Consent Order No. 08-1983 submitted to EPA on July 27, 1983, provides changes to the previously approved Consent Order No. 06-1980 (For a detailed review, see EPA's TSD of December 22, 1983). The changes relate to emission limitations compliance schedules, and opacity limits, as well as the impact on these changes on air quality in Saginaw County. The compliance plan to meet the proposed changes depends on operating modifications that the company terms as "fume incineration." The modifications consist of (a) installing a curtain to shield castings from furnace heat, and (b) reducing air flow to induce negative pressure at the furnace entrance. The anticipated result of these modifications is that a portion of the fumes from the main hood will be directed to the draw furnace for incineration. The schedule for meeting the specified limits is after October 31, 1983, for the DOQ lines; and after December 15, 1983, for the HQD lines. As discussed below, EPA has reviewed these changes and believes that a modeling demonstration is required to determine whether these relaxations will jeopardize maintenance of the primary TSP air quality standard. In addition, EPA is concerned that these changes may jeopardize attainment of the TSP secondary standard in a timely manner. EPA's concerns of this requirement as well as other approvability concerns related to Consent Order No. 08-1983 are as follows:

1. Consent Order No. 08-1983 allows discontinued use of the electrostatic precipitators (ESPs) on No. 3 DOQ and provides an alternate opacity limit (20% opacity or less except for five 6-minute averages per hour of not more than 40% opacity) to accommodate the practice of batch quenching on DOQ facilities. The absence of the ESP represents a relaxation from the previously approved Consent Order No. 06-1980 because it caused an actual increase of emissions and opacity from No. 3 DOQ facility. In deed, the deletion of the ESP is a retreat from the projected emission reduction Consent Order No. 06-1980 was to provide towards attainment of the standards at Saginaw County.

In addition, Consent Order No. 8-1983 eliminates by December 15, 1983, the current SIP requirement of 20 percent opacity, provided for the six quenching lines by the previous consent order (06-1980) which is consistent with Michigan's rule 336.1301. As an alternative, Consent Order No. 08-1983 would extend the compliance date indefinitely into the future. This extension is likely to go beyond the attainment date of July 1, 1985, for the Saginaw area. The proposed interim opacities are merely limits to accommodate current operating practices without the benefit of control devices such as precipitators. This proposal also represents a relaxation of the federally approved SIP (August 15, 1983, 48 FR 36818).

Under Agency policy (memorandum dated July 29, 1983, from S. Meyers to Regional AMD Directors), these relaxations would require a modeling demonstration using reference modeling techniques and best available data. No such demonstration has been provided by Michigan.

While the State did submit a demonstration of attainment (rollback technique) for the Saginaw area, it was dated May 1979, and the base data were from the years 1975 to 1978. Since emissions have changed since then, EPA requires a revised demonstration.

2. The Central Foundry Division proposes to control oil quenching emission through a concept called "Fume Incineration." This concept entails certain modifications to existing operation equipment to contain, capture, and incinerate fumes at their source. It evolved from the elimination of other control measure due to alleged operating difficulties and economic hardship. However, Consent Order No. 8-1983 does not contain any accompanying performance test results, alternative control system analyses, or emission control costs which are necessary to determine reasonable available control technology (RACT) for the foundry's quenching facilities. If the State of Michigan were to submit an adequate modeled attainment demonstration, no RACT determination would be required.

3. Consent Order No. 08-1983 establishes alternative opacity limits (other than the 20 percent opacity required under the current SIP) for the quenching facilities. USEPA cannot approve the alternative opacity limits as revisions to the SIP, unless the company (a) has demonstrated compliance with the particulate limit specified in the previous order (06-1980), and (b) has shown that the alternate visible

emissions (VE) limits are based on VE readings taken concurrently with the mass compliance test. Agency policy is to require concurrent mass/opacity tests as part of a justification for approval of alternative opacity limits.

4. EPA notes that there were a minimum of 38 fire incidents in the quench facilities for the calendar year 1982. EPA is concerned that, during these incidents, the quench emissions exceeded both mass and opacity limits under the current SIP. EPA recommends that the plant keep an official record of fire incidents, and that the impact of these incidents on air quality be assessed in any modeled demonstration of attainment.

In light of EPA's concerns, which are discussed above and contained in the Agency's TSD of December 22, 1983, EPA is today proposing to disapprove the State Consent Order No. 8-1983 submitted by the State of Michigan for the GMC Central Foundry Division's Saginaw Malleable Iron Plant. EPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before (30 days from the date of publication) will be considered in the Agency's final rulemaking. When possible, comments should be submitted in triplicate. All comments, will be available for inspection during normal business hours at the Region V office listed at the beginning of this notice.

Under Executive Order 12292, today's action is not "Major". It has been submitted to the Office of Management and Budget for review.

Pursuant to the provisions 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 one source. In addition, this action imposes no additional requirements on the source.

#### List of Subjects in 40 CFR Part 52

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

This notice is issued under authority of sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: December 30, 1983.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 84-12501 Filed 7-17-84; 8:45 am]  
BILLING CODE 6560-50-M