

officials in time to act thereon before the date of issue.

Dated: September 30, 1982.  
 Gerald J. Mossinghoff,  
 Commissioner of Patents and Trademarks.  
 [FR Doc. 82-29283 Filed 10-22-82; 8:45 am]  
 BILLING CODE 3510-16-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-S-FRL 2221-1]

#### Approval and Promulgation of Implementation Plans; Michigan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** The purpose of today's rulemaking is to announce final approval of Consent Order APC No. 02-1980, for the Hayes-Albion Corporation and Permits 341-79 and 375-79 for the American Colloid Plant, as a revision to the Michigan State Implementation Plan (SIP) in Calhoun County. Consent Order APC No. 02-1980, contains control measures beyond the present requirements of Michigan's Rule 336.1301 and 336.1331 for reducing total suspended particulate (TSP) emissions. EPA's action is based upon a proposed revision to the SIP submitted by the State.

**EFFECTIVE DATE:** This action will be effective December 27, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of this revision to the Michigan SIP are available for inspection at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

Copies of the revision and other materials relating to this rulemaking are available for inspection at the following addresses (It is recommended that you telephone the contact person listed below, before visiting the Region V Office.): Environmental Protection Agency, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909.

Written comments should be sent to Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser/Steve Rosenthal, Air

Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

**SUPPLEMENTARY INFORMATION:** In the May 6, 1980, Federal Register (45 FR 29790), EPA approved the strategy developed by the State of Michigan for attaining the primary and secondary TSP National Ambient Air Quality Standards (NAAQS). For the Albion primary nonattainment area that strategy consisted of developing source-specific abatement orders requiring more stringent controls than the generally applicable requirements of Michigan Rules 336.1301 and 336.1331. In the May 6, 1980, Federal Register, EPA stated that the source-specific Abatement Orders were to be submitted to EPA for review and approval as revisions to the Michigan SIP.

On April 5, 1982, the State of Michigan submitted to EPA Consent Order APC No. 02-1980 for the Hayes-Albion Corporation, along with alterations to Section 5(D) of the Consent Order. The Hayes-Albion foundry is located in Calhoun County. On June 18, 1982, the State of Michigan submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for major air cleaning devices at Hayes Albion as part of its SIP revision. These plans contain specific measures for reducing TSP emissions and have been implemented by the dates specified in Consent Order APC No. 02-1980.

A 1-square-mile area on the west side of Albion City, around Hayes-Albion (Calhoun County, R4W, T2S, Section 34), has been designated as nonattainment for the primary TSP standards. This nonattainment area was designated based on the monitoring results from one sampler located near the foundry. Because of the nonattainment designation, IIT Research Institute (IITRI) was contracted to provide optical microscopy and other particle identification services in order to determine the nature of sources causing the excessive ambient air concentration levels. IITRI results were used by Michigan in preparing a linear rollback technique for the air quality demonstration.

Hayes-Albion prepared a new air quality improvement demonstration which identified American Colloid, a foundry sand processor located adjacent to Hayes-Albion, as a significant source of foundry sand related particulates. Emissions from American Colloid's railroad unloading were estimated at 1117 tons per year and emissions from their coal grinding were estimated at 657 tons per year. Traffic and combustion

sources also contributed to the elevated TSP levels. A direct correlation was found between the wind direction and the industrial source contributors. On September 21, 1982, the State of Michigan formally submitted construction permits 341-79 and 375-79 for the American Colloid Plant which provide for installation of air pollution controls on the railroad unloading and coal grinder facilities, and require compliance with specified particulate emission limits. These limits will result in estimated emission reductions of 1766.8 tons per year. The Hayes-Albion and American Colloid plants were the only significant sources within a 10-mile radius of the nonattainment area. Air quality data for 1981 indicate that there were no monitored TSP violations. The air quality demonstration submitted by Hayes-Albion indicates that the abatement programs in Consent Order APC No. 02-1980, as amended, along with the emission reductions at American Colloid (Permits 341-79 and 375-79) will provide for the attainment of the primary TSP NAAQS.

Consent Order APC No. 02-1980 for Hayes-Albion contains the following elements: (1) No. 3 Line Emission Control Program; (2) Hard Iron Line Emission Control Program; (3) Emission Evaluation Program; (4) Fugitive Dust Control Plan Requirement; (5) Malfunction Abatement Plan Requirement; (6) Collected Baghouse Dust Disposal.

The emission limitations for the No. 3 Line and Hard iron line sand handling system are specified in paragraphs 5(a) and 5(b) of Consent Order APC No. 02-1980. Paragraph 5(a) imposes more stringent limitations than the requirements of R336.1331 on line 3's Rotary Shakeout Drum, Sand Handling Equipment and Automatic Pouring system. Michigan has calculated that the provisions of paragraph 5(a) will result in an 86 tons per year reduction for line 3. Paragraph 5(b) requires that the "Hard Iron Line" be shut down with a resulting 187.5 tons per year reduction. In addition, prior to the Consent Order, a 50 tons per year reduction was obtained from line 1 and 4.5 tons per year reduction was obtained from the Core Molding Hot Box. These reductions add up to 328.5 tons per year out of a total (in 1977) of 523.0 tons per year from Hayes-Albion's sand handling operation. Michigan has also determined that the stack emissions from the ventilation system serving the Molten Metal Handling Equipment are reduced by 78% (87.1 tons/yr.) as a result of the Malfunction Abatement Plan required by Paragraph 5(E) of the Consent Order.

Michigan estimates that the total reductions from Molten Metal Handling are calculated to be 87.1 out of 289.2 tons per year (or a 30% reduction).

Electric Arc Furnace baghouse emptying procedures were not included in the original emission inventory. The emission reductions required by Paragraph 5(f) of the Consent Order should result in at least a 75% reduction of emissions from this source. The required method of emission reduction consists of adequate control of all collected dust transfer points for all dry collectors at the foundry and the transporting of collected baghouse dust in enclosed trucks or in open-body trucks covered with firmly secured canvas or a similar type covering.

The Fugitive Dust Control Plan required by Paragraph 5(D) of the Consent Order consists of "Control Activities" for the following sources of fugitive dust at the Hayes-Albion foundry: (1) Loading and unloading of open storage piles of bulk materials; (2) Transporting of Bulk Materials; (3) Outdoor conveying of bulk materials; (4) Road and lots; (5) building ventilation.

The Malfunction Abatement Plan required by Paragraph 5(E) of the Consent Order establishes procedures for the prevention, detection and correction of all malfunction of identified major air cleaning devices at the Hayes-Albion foundry.

EPA's technical review of the Hayes-Albion and American Colloid plans dated June 22, 1982, and September 21, 1982, support approval of this SIP revision. EPA reviewed the TSP emissions reduction requirement in Consent Order APC No. 02-1980 including the Fugitive Dust Control Plan and the Malfunction Abatement Plan developed by Hayes-Albion Corporation pursuant to that order and believes that this Consent Order and the American Colloid permits are an acceptable TSP plan for the Albion nonattainment area in Calhoun County, and will provide for air quality improvements and attainment of the TSP NAAQS.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (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: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the

requirements of Section 3 Executive Order 12291.

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 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 by December 27, 1982. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

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

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

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

(Sec 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: October 18, 1982.

Anne M. Gorsuch,  
Administrator.

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Subpart X—Michigan**

1. Section 52.1170 is amended by adding paragraph (c)(60) as follows:

**§ 52.1170 Identification of plan.**

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(c) \* \* \*  
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(60) On April 5, 1982, the State of Michigan submitted Consent Order APC No. 02-1980 along with alterations to Section 5(D) of the Consent Order for the Hayes-Albion foundry in Calhoun County. The Consent Order contains control measures beyond the present requirements of Michigan's R336.1301 and R336.1331 for Total Suspended Particulate (TSP) emissions and evaluation methods for determining significant particulate emission sources from the foundry. On June 18, 1982, the State of Michigan also submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for the Hayes-Albion foundry. On September 21, 1982, the State of Michigan formally submitted Permits 314-79 and 375-79 for the American Colloid Plant. Consent Order APC No. 02-1980, the Malfunction

Abatement Plan and Fugitive Dust Control Plan, along with the emission reductions at the American Colloid Plant will provide for air quality improvements and attainment of the primary TSP NAAQS.

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**40 CFR Part 52**

[A-6-FRL 2221-3]

**Approval and Promulgation of Revisions to the Texas Implementation Plan**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** This action approves a revision to the Texas State Implementation Plan (SIP) which was submitted to the Environmental Protection Agency on July 6, 1982. This action is taken based upon the State's request to revise the description of the fiscal and manpower resources available to state and local agencies in Texas for the performance of SIP commitments.

**EFFECTIVE DATE:** This rulemaking will be effective on December 27, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments on this action should be addressed to Carol D. Peters of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

- U.S. Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270,
- Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723,
- U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Room 2922, Washington, D.C. 20460.

Copies of the State's submittal are available for inspection at: The Office of the Federal Register, 1100 L Street, NW. Room 8401, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Carol D. Peters, State Implementation Plan Section, Air & Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-9856.

**SUPPLEMENTARY INFORMATION:** The Executive Director of the Texas Air Control Board (TACB) has submitted to EPA amendments to Section XII