

¹ This proposed regulatory action is also published pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) which requires that the Commission publish a semiannual agenda of regulatory actions which are likely to have a significant economic impact on a substantial number of small entities.

² In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-S-FRL-2063-7]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes approval of a revision to the Michigan State Implementation Plan (SIP), to control volatile organic compound emissions from stationary industrial source categories addressed in EPA's control technique guideline (CTG) documents issued between January 1978 and January 1979. This revision was submitted to the EPA in response to the requirements of Part D of the Clean Air Act. The revised plan will assist the State to attain and maintain the National Ambient Air Quality Standard (NAAQS) for ozone (O₃).

DATES: Comments must be received on or before May 13, 1982.

Copies of the SIP revision and EPA's review are available for public inspection during normal business hours at: Air Programs Branch, Region V, Air Management Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the State's submittal are available for inspection during normal business hours at: Michigan Department of Natural Resources, State Secondary Complex, 750 Harris Drive, Lansing, Michigan 48917.

ADDRESSES: Comments should be sent in triplicate, if possible, to Gary Gulezian, Chief, of EPA's Regulatory Analysis Section, Air Programs Branch, at the Region V address listed above.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders at (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Act, the EPA designated certain areas in each State as not attaining the NAAQS for O₃. Part D of the Act requires States to revise their SIP for nonattainment areas to demonstrate attainment of the

primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. The Part D requirements for an approvable SIP are described in the April 4, 1979 Federal Register (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

An adequate SIP for O₃ is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the standard. For stationary sources, the plan must include legally enforceable requirements reflecting the application of reasonably available control technology (RACT) requirements for sources of VOC emissions for which the EPA has published a CTG by January of the preceding year. In general, where the State regulations are not supported by the information in the CTG's the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the CTG's.

In accordance with the Part D requirements, adoption and submittal of RACT regulations for sources addressed in an EPA CTG published by January 1978 (Group I CTGs) were due July 1, 1979. Adoption and submittal of additional RACT regulations for sources covered by a CTG published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980. Because State regulatory processes are taking longer than anticipated and in most cases States are making good faith efforts to adopt the necessary regulations, the EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

Summary of Michigan's Actions

The State of Michigan has amended the Michigan Administrative Code to require additional control of emissions of VOC from stationary industrial source categories addressed in the CTG documents issued between 1978 and 1979. The Group II CTG documents address the following source categories: Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emission (Leaks)
Pharmaceutical Manufacture

Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks.

In response to the requirements of Part D of the Act, the State submitted the amendments to the EPA as a SIP revision on September 2, 1981. The additional regulations and definitions are codified as follows:

- R336.1101-3, R336.1105-9, R336.1114-6, R336.1118-21 and R336.1123—Definitions
- R336.1601—Definition of Existing Source
- R336.1603—Compliance Program
- R336.1604—Storage of Organic Compounds
- R336.1610—Existing Coating Lines
- R336.1619—Perchloroethylene Dry Cleaning
- R336.1620—Flat Wood Paneling Coating
- R336.1621—Metallic Surfaces Coating
- R336.1622—Petroleum Refinery; Refinery Monitoring Program
- R336.1623—Petroleum Liquid Storage
- R336.1624—Graphic Arts Lines
- R336.1625—Synthesized - Pharmaceutical Products
- R336.1626—Pneumatic Rubber Tire Manufacturing
- R336.1627—Delivery Vessels and Vapor Collection Systems
- R336.2005—Other Reference Test Methods

EPA's analysis of these regulations is contained in technical support memoranda dated December 30, 1981, and January 14, 1982, which are available for inspection at the EPA Region V office.

Summary of EPA's Actions

Based on the results of its analysis, EPA finds that the SIP revision submitted by Michigan consists of legally enforceable regulations that reflect the application of RACT to the sources discussed above. The EPA proposes to approve the revision with the understanding that the State will change R336.1624, regulating Graphic Arts Lines. This rule is generally supported by the recommended control technique in the CTG with the exception

of one provision, section 2(a), which allows an annual weighted average of pounds of VOC per gallon of solid inks applied. This weighted average is used to determine compliance with the reduction requirements specified in subsequent sections of the rule.

The EPA has requested the State of Michigan to examine this rule since averaging on an annual basis is a longer averaging time than that which has been achieved in similar types of operations. On January 5, 1982, the State committed to change the rule, early in 1982, to substantially shorten the averaging time.

Therefore, the EPA is proposing approval of this rule based on Michigan's commitment to revise this provision.

Pursuant to the of 5 U.S.C. 605(b), the Administrator has certified that SIP revisions, under Section 110 of the Clean Air Act, will not have a significant economic impact on a substantial number of small entities (46 FR 8709). This proposed rule constitutes a SIP revision within the terms of the certification.

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

List of Subjects in 40 CFR Part 52

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

This notice of proposed rulemaking is issued under the authority of section 110, 172 and 301 of the Clean Air Act.

Dated: February 16, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-10070 Filed 4-12-82; 8:45 am]

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40 CFR Part 52

[A-2-FRL 2074-6]

Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces receipt from the State of New York of a proposed revision to its State Implementation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision will allow the New York State Office of Mental Health, Kings Park Psychiatric Center Facility to burn coal with a sulfur content of 2.2 pounds of sulfur per million BTU gross heat content. The use of this higher

sulfur content coal could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation coal sulfur content at this facility is currently limited to a maximum of 0.6 pounds of sulfur per million BTU gross heat content.

A public hearing on this proposal was held by the New York State Department of Environmental Conservation on March 10, 1982. Concurrently, EPA is proposing to approve New York's request contingent upon final adoption by the State of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing," is designed to expedite EPA action on SIP revisions.

DATES: Comments must be received on or before May 13, 1982.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460
New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTAL INFORMATION: On February 2, 1982 New York State informed the Environmental Protection Agency (EPA) of its intention to revise its State Implementation Plan (SIP). The proposed SIP revision, if approved by EPA, will allow the New York State Office of Mental Health to burn coal with a maximum sulfur content of 2.2 pounds of sulfur per million BTU gross heat content at its Kings Park Psychiatric Facility, located in Smithtown, New York. The use of this coal could continue for up to three years from the date that final rulemaking is made effective by EPA. Under State regulation coal sulfur content at this facility is currently limited to a maximum of 0.6 pounds of sulfur per million BTU gross heat content. The State's proposed SIP revision, known as

a "special limitation," is authorized by section 225.2 of Title 6 of the Official Compilation of Codes, rules and regulations of the State of New York.

The State's submittal consists of a letter indicating the State's intention to approve its proposed "special limitation," a notice of a proposed State public hearing for March 10, 1982, and a technical report prepared by the State in support of its proposal.

EPA has reviewed the technical material submitted by New York and concurs with the State's preliminary determination that no violation of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur anywhere as a result of the use of higher sulfur content coal by the Kings Park Psychiatric Center Facility.

EPA's review of the material submitted by the State indicates that this revision to the New York SIP will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting federal review, EPA is proposing approval of this SIP revision now, before final submittal of the revision to EPA by the State. EPA refers to this new procedure as "parallel processing." If the revision currently proposed by the State is substantially altered as a result of the State public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the *Federal Register*. Alternatively, if it is determined based on public comment that substantial revision is not required, EPA will take final rulemaking action on today's proposal.

While EPA encourages the public to participate in the State's public review process, direct comment to EPA on today's proposal is also invited. This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that such comments may be submitted on or before [30 days from date of publication] on whether the proposed SIP revision should be approved or disapproved.

The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981).

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