1980, confirms the absence of generalized problems in reducing employees' blood levels. Chrysler Corporation (H-004M, 9), whose employees use paints containing lead, has achieved blood lead levels of about 20 μg/100g. Also, as indicated in the remand record, and summarized by the United Steelworkers of America's Supplemental Memorandum (H-004M, 8-17), neither the steel industry, the copper smelting industry, nor the shipbuilding industry appear to have feasibility problems with the new MRP trigger levels.

In addition, several articles in the scientific literature (H-004M, 19, 21, 23, and 26) and NIOSH's Health Hazard Evaluation Reports (H-004M, 20, 22, 24, 25 and 27) further confirm that most employees in lead-utilizing industries have blood leads well below the 60 μg/100g trigger level.

Consequently, although OSHA originally granted a temporary deferral of the effective date of the new trigger levels to all segments of the lead industry to enable manufacturers from any segment to submit comments and evidence sufficient to justify relief, OSHA now concludes that the evidence on the record justifies further temporary delay of that date only for members of the primary and secondary smelting segments of the lead industry.

Therefore, the 60/40 MRP triggers will go into effect for all other segments of the industry on May 15, 1981. If any member of these industries is experiencing feasibility problems, that member, of course, retains the right to apply individually, and prove its need, for a variance. OSHA by the decision herein in no sense intends to foreclose or limit that right.

Signed at Washington, D.C., this 28th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13372 Filed 4-29-81; 1:14 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1800-6]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On November 26, 1980 (45 FR 78730), the U.S. Environmental Protection Agency (USEPA) proposed approval of and solicited public comment on a revision to the Michigan State Implementation Plan (SIP). The revision, in the form of a Final Order (APC No. 6-1979) was issued by the Michigan Air Pollution Control Commission (Commission) to the Consumer Power B. C. Cobb plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Prior to January 1, 1980, the B. C. Cobb plant was operating under a Voluntary Agreement for Air Pollution Abatement (No. 13-1973) issued by the Commission, and was not subject to any specific emissions limitation as long as they complied with the terms of the agreement. The agreement required B. C. Cobb to construct taller stacks and submit a control strategy and final schedule date to achieve compliance with Table 3, Rule 336.49 not later than January 1, 1980. No comments were received during the public comment period, which ended on December 26, 1980. This notice announces USEPA's final rulemaking action approving this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on June 1, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking (45 FR 78730), and USEPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: On December 10, 1979 the State of Michigan submitted to USEPA, as a revision to its SIP, a Final Order (APC No. 6-1979) issued to the Consumers Power Company's B. C. Cobb plant in Muskegon, Michigan.

The Order requires the B. C. Cobb plant to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Any Order which changes emission limitation for a major source must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act.

USEPA has reviewed the state's submittal and determined that approval of the SIP revision for the B. C. Cobb plant will not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS), and that the B. C. Cobb SIP revision is not subject to the PSD increment consumption review. USEPA also determined that fluid modeling is not required to support the SIP revision, since no additional stack height credit is necessary to demonstrate attainment of the SO_2NAAQS. Copies of EPA's evaluation of the SIP revision are available at the addresses listed at the beginning of this notice.

On November 26, 1980 (45 FR 78730), USEPA proposed approval of and invited public comment on the SIP revision. No comments were received during the 30 day public comment period which ended on December 26, 1980.

The State of New York filed comments on this SIP revision after the closing of the comment period. The comments alleged that neither the State of Michigan nor USEPA adequately considered the interstate transport problem even though there are long range air quality models available. New York also discussed the transport of sulfates and their contribution to primary and secondary TSP NAAQS violations in the State of New York. Finally, New York requested that EPA consider the cumulative impact on New York's air quality of several pending and final sulfur dioxide SIP revisions for sources in Ohio, Michigan, Indiana, West Virginia and Tennessee.

New York indicated that it also intended its comments to be considered as a section 126 petition. USEPA has decided not to respond to New York's comments in the context of this rulemaking as the comments primarily concern the aggregate air quality impact of several sources, rather than the impact of this individual SIP revision. USEPA will, however, consider New York's concerns as part of its determination on the section 126 petition. USEPA plans to hold a section 126 hearing on New York's petition in the near future.

The Order (APC No. 6-1979) requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the SO_2 emission limitations in Michigan Rule

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336.1401, and contains the following provisions:

A. Sulfur Dioxide Emission Limitations

(1) Beginning on January 1, 1980 and continuing to January 1, 1985 fuel burned at the Cobb Plant shall not:

(a) On an annual average exceed 2.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilogram).

(b) Result in sulfur dioxide emissions not greater than 386 tons on any calendar day. This emission limitation is the equivalent of burning coal which averages 3.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilograms) and 510 megawatts net load for 24 hours.

(c) On a daily average result in emissions of sulfur dioxide not greater than a rate of 7.0 pounds per million Btu (3010 nanograms/Joule) heat input.

(2) After January 1, 1985 emissions of sulfur dioxide from the Cobb Plant shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49 (Tables 41 and 42 of revised Rule 336.1401, effective January 17, 1980), unless an alternate date for compliance with the levels is established by the Commission.

B. Sulfur Dioxide Control Program

(1) By January 1, 1980 the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of the Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall by January 1, 1981 and by each January 1 for the following three (3) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of the Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Cobb Plant by January 1, 1985.

(3) If low sulfur coal is chosen as the method of control, the Company shall notify the Commission of the signing of any contracts for such coal within thirty (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress) shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981 and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the Order. Any developments which would preclude compliance with any provision of the Order shall be immediately reported in writing to the Commission.

C. Monitoring and Data Reporting

(1) The Company shall operate four (4) ambient sulfur dioxide monitors around the Cobb Plant in such manner and at such locations as reasonably specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff").

(2) The Company shall perform a weekly sulfur analysis of fuel burned in the Cobb Plant in accordance with the procedures specified in Appendix A.

(3) The Company shall by January 1, 1980 install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 CFR Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(5) For each calendar day during which the stack gas sulfur dioxide monitor(s) has been inoperative for 12 consecutive hours, the Company shall conduct a daily analysis of the coal burned at the Cobb Plant according to the procedures specified in Appendix A. This daily analysis shall be discontinued only after the stack gas sulfur dioxide monitor(s) has operated acceptably for 12 consecutive hours during a calendar day.

(6) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(7) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s), and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(8) During the first quarter of 1980 and at approximately 18-month intervals thereafter the Company shall conduct periodic particulate emission tests for each unit of the Cobb Plant. The tests shall be conducted in accordance with Commission approved procedures.

(9) The monitoring and reporting requirements specified in or pursuant to Subsections C (1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

The Final Order contained the following appendix:

Appendix A.—Fuel Analysis Procedures

1. Weekly Fuel Analysis

a. A minimum of three equally spaced grab samples of the coal burned at the Cobb Plant shall be taken each calendar day.

b. A weekly composite coal sample shall be prepared for analysis from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

c. The composite coal sample shall be analyzed for sulfur and heat (BTU) content according to ASTM or equivalent methods approved by the Chief of the Air Quality Division.

The state has indicated that it is relying on continuous emissions monitoring and fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA.

USEPA approves Michigan's Final Order (APC No. 6-1979) as a revision to Michigan's State Implementation Plan. Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This SIP approval announced today it not major because it only approves state action. It imposes no new regulatory requirements. In addition, this action applies to only one facility.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action

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only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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, 1980.

(Sec. 110 of the Clean Air Act, as amended)

Dated: April 21, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding subparagraph (33) as follow:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(33) On December 10, 1979, the State of Michigan submitted to USEPA a Final Order (APC No. 6-1979) issued by the Michigan Air Pollution Control Commission to the Consumers Power Company B.C. Cobb Plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitation in Michigan Rule 336.1401.

2. Section 52.1175(e) is amended by revising the entry for Consumers Power Company (Cobb plant) under Muskegon County as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
*	*	*	*	*
		MUSKEGON COUNTY		
Consumers Power Company (B. C. Cobb).	Muskegon	336.1401 (336.49)	Dec. 10, 1979	Jan. 1, 1985
*	*	*	*	*

[FR Doc. 81-13218 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1792-4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 31, 1980 Federal Register (45 FR 72215, 72217) EPA proposed to approve the deadlines by which the State of Ohio committed itself to remedy the conditionally approved items in the ozone and carbon monoxide portions of its State Implementation Plan (SIP). A thirty day public comment period was provided until December 1, 1980. During that time, EPA received comments only from the State. Summarized below are the State's comments and EPA's final rulemaking on the scheduled dates.

EFFECTIVE DATE: This rulemaking is effective on April 14, 1981.

ADDRESSES: Copies of the Ohio SIP and the comments received on the proposed deadlines are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Copies of the Ohio SIP are also available at:

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6035.

SUPPLEMENTARY INFORMATION: On October 31, 1980 EPA announced final rulemaking on revisions to the ozone and carbon monoxide portions of the Ohio State Implementation Plan (45 FR 72119, 72143). The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977 (Act). In the final rulemaking, EPA conditionally approved certain revisions to the Ohio SIP. A conditional approval requires the State to remedy identified deficiencies by specified deadlines. A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 67182).

During negotiations with EPA, the State of Ohio committed itself to remedy the conditionally approved portions of the SIP on a specific schedule. EPA proposed approval of the deadlines in that schedule on October 31, 1980 (45 FR 72115, 72117). A thirty day public comment period was provided. During the public comment period the State submitted comments on the proposed schedule. In particular, the State commented on the Dayton and Steubenville carbon monoxide schedules.

In the October 31, 1980 Federal Register, EPA proposed to approve the State's commitment to submit by November 1, 1980 an analysis of the carbon monoxide hot spot areas in the Dayton urban area and a revised reasonable further progress (RFP) demonstration. The analysis is to include an evaluation of the control measures which are to be implemented at the identified hot spots, a schedule for the implementation of these measures and, if necessary, evidence of priority funding for the implementation of the hot spot measures. On October 21, 1980, the State indicated that progress was being made in identifying the measures to be implemented to eliminate the carbon monoxide hot spots. However, additional time was requested so that local approval could be procured prior to submission to EPA of the complete carbon monoxide hot spot analysis. EPA has reviewed the request and believes that it is reasonable. Therefore, the date for submission of the carbon monoxide hot spot analysis and the RFP demonstration for the Dayton urban area is March 1, 1981.

For the Steubenville area, in the October 31, 1980 Federal Register, EPA proposed to approve the commitment made by the State in its August 6, 1980 letter. In that letter the State committed itself to submit the carbon monoxide study by January 1, 1981. In the October 31, 1980, Federal Register, EPA incorrectly cited the date as November 1, 1980. The correct date should have been January 1, 1981.

On November 21, 1980, the State indicated that due to limited staff resources, the complexity of the problem, and the modeling approach proposed for the area, additional time would be needed to complete the Steubenville carbon monoxide study. The State requested a five week extension, from January 1, 1981 to February 6, 1981 for submission to EPA

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